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on behalf of Region2 PAD News [Region2_PAD_News@epa.gov]
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Subject: News Clips

Region 2 News Clips

[EPA launches pilot cleanup program in Gowanus Canal](#) (NEWS12 BK; July 23, 2018)

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[EPA Marks Final Phase Of Gowanus Canal Dredging Pilot](#) (BKLYNER; July 23, 2018)

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[Development coming to Gowanus Canal, but first a major cleanup](#) (1010 WINS; July 23, 2018)

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[The big sink: Whole Foods's esplanade along Gowanus Canal puckers due to waterway's cleanup](#) (BROOKLYN PAPER; July 24, 2018)

The Gowanus Canal is swallowing this food whole!

[Gowanus Canal Dredging Program Progresses](#) (DREDGING TODAY; July 23, 2018)

The U.S. Environmental Protection Agency (EPA) said in its latest announcement that this week marks the one-year anniversary of their Superfund Task Force Report.

[Harmful algal blooms close Lake Champlain beaches](#) (GLEN FALLS POST-STAR; July 23, 2018)

The Bulwagga Bay Beach and Port Henry Champ Beach on Lake Champlain were closed over the weekend because of harmful algal blooms.

[Salamanca Visits Water Pollution Control Plant](#) (BRONX TIMES; July 23, 2018)

Councilman Rafael Salamanca got a firsthand look at the Rockaway Water Pollution Control Plant, operated by NYC Department of Environmental Protection, DEP Deputy Commissioner Pam Elardo.

[BPU Goes Giddyup as Murphy Wants NJ on Fast Track to Clean Energy](#) (NJ SPOTLIGHT; July 23, 2018)

Most times, the New Jersey Board of Public Utilities is about as sleepy an agency as there is in Trenton — slow moving, often opaque, and rarely making significant enough decisions to draw much attention, or even less likely, controversy.

[Boat dumps raw sewage in Brooklyn basin](#) (NEW YORK POST; July 23, 2018)

They're up s—t's creek — literally.

[Party Boat Dumps 500 Gallons Of Raw Sewage Into Water Off Red Hook](#) (GOTHAMIST, July 23, 2018)

The waters surrounding our lovely little trash island may be best described as garbage juice, so I can see where someone might gaze out upon the landscape and think, "Well, surely nothing I do could make this situation *worse*."

NY DEC planning public meetings on commercial fishing (NEWSDAY; July 23, 2018) AP

State environmental officials are planning public meetings in an effort to reform New York's commercial fishing license system.

Slow going, and a long haul, at Vineland Superfund sites (PRESS OF ATLANTIC CITY; July 22, 2018)

Deep digs are completed in six homes around the Kil-Tone Superfund site here, according to the U.S. Environmental Protection Agency.

Ridgewood Reservoir once delivered water, but now delivers life: Our Neighborhood, The Way it Was (QUEENS COURIER; July 21, 2018)

Last week we looked at how our neighborhood's earliest settlers found the water they needed to live. This week, we take a look at the Ridgewood Reservoir, the heart of Brooklyn's first reliable water system, which also lent its name to the community that grew nearby.

Drinking water not affected by untreated waste discharges, officials say (POUGHKEEPSIE JOURNAL; July 20, 2018)

Drinking water in the City of Poughkeepsie wasn't affected by hundreds of thousands of gallons of untreated waste recently discharged into the Hudson River, according to Randy J. Alstadt, Poughkeepsie's Water Treatment Facility plant administrator.

PR/USVI

Local organization repudiates reclassification of seven nature reserves (EL NUEVO DIA – Google Translated to English)

Two groups of environmental protection in Toa Baja and Camuy showed today, Sunday, their total repudiation of the decision of Governor Ricardo Rossello Nevares to reclassify seven nature reserves on the recommendation of the Planning Board.

Have you prepared for the hurricane season? (EL NUEVO DIA – Google Translated to English)

There is a saying that "it's never too late". Therefore, if you have not yet taken the necessary measures to safely face this hurricane season, it is on time.

Governor rebuffs panel probing troubled utility (ENERGYWIRE; July 23, 2018)

On Wednesday, the House Natural Resources Committee has scheduled an oversight hearing on what Chairman Rob Bishop (R-Utah) is calling the management crisis at the bankrupt Puerto Rico Electric Power Authority (PREPA).

As restart begins, cleanup continues at refinery (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

The most recent report issued by a group tasked with monitoring groundwater and soil at the former HOVENSA refinery on St. Croix shows ongoing work at the site.

EPA: Limetree removed asbestos from site after Maria (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

Among the issues the U.S. Environmental Protection Agency discussed in response to an inquiry from The Daily News was the presence of asbestos at the St. Croix refinery.

EPA: Refinery consent decree still in effect (US VIRGIN ISLANDS DAILY NEWS; July 23, 2018)

U.S. Environmental Protection Agency officials have confirmed the status of a \$700 million consent decree between HOVENSA and the federal agency, which could have potential ramifications for plans to restart the St. Croix refinery.

Out of operation AAA filtration plan (NOTICEL – Google Translate; July 23, 2018)

The high turbidity by the rains recorded yesterday afternoon in the intake of raw water from the Jayuya Urbano dam, keeps the filtration plant out of operation, informed the executive director of the northern region of the Aqueduct and Sewer Authority (AAA), José A. Rivera Ortiz.

High turbidity affects the production of the Jayuya Urbano filter plant (LA PERLA DEL SUR – Google Translated to English; July 23, 2018)

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National News

Auto

Bloomberg - Trump to Seek Repeal of California's Smog-Fighting Power

E&E News - Greens Decry 'Orwellian' New Title for Car-Emissions Rule

Politico - Auto Rule Rollback Could Hinge on Highway Deaths

The Hill - Trump to Propose Blocking California's Clean Car Standards: Report

WTTW - Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

Biofuel

Reuters - EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

Clean Up Sites

E&E News - Officials to Test Navajo Wells Leaking for Years

WTHR - EPA Calls for Sampling Plan for Franklin Industrial Site

Coal Ash

CNN - With EPA Rule Change, Worries Linger for Those Near Coal Ash Ponds

Energy News - Georgia Next in Line for EPA Approval on State Coal Ash Permit Program

Times - EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

EPA Spending Bill

Water Finance and Management - House Approves EPA Spending Bill

Ozone

Tri-City Herald - Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

Wastewater

Kallanish Energy - EPA, New Mexico to Look at Drilling Wastewater Re-use

Full Articles

Region 2 News

NEWS12 BK

EPA launches pilot cleanup program in Gowanus Canal

July 23, 2018

Officials from the Environmental Protection Agency are conducting dredging efforts in the Gowanus Canal.

They are launching a pilot project on a small portion as a test for cleaning up the rest of the waterway.

The EPA says thousands of yards of contamination have already been dredged since last year near the Fourth Street turning basin.

The Gowanus Canal has been designated as a Superfund site due to the presence of contaminants like mercury, lead and copper — marking it as one of the most contaminated areas in the country.

Some residents who live in the neighborhoods surrounding the Gowanus Canal like Cobble Hill, Carroll Gardens and Boerum Hill say they are happy to see progress.

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BKLYNER

EPA Marks Final Phase Of Gowanus Canal Dredging Pilot

By Pamela Wong

July 23, 2018

During Monday morning's intermittent rain, EPA Regional Administrator Peter Lopez, Assembly Member Jo Anne Simon, and Dan Wiley from Congress Member Nydia Velázquez's office marked the final phase of the dredging and capping pilot project at the Gowanus Canal's 4th Street Turning Basin.



L-R: David Briggs (Gowanus Community Advisory Group member & Executive Director of Gowanus By Design), Dan Wiley (District Office Director for Nydia Velázquez), Peter Lopez (EPA Regional Administrator, Region 2), Assembly Member Jo Anne Simon (Photo: Pamela Wong/BKLYNER)

“We’re in the midst of working on our pilot project which is intended to illustrate and test out the methodology for mitigation, to practice some of the methods that we’re using for bank stabilization, and for moving the progress further,” Lopez said while crews poured capping materials into the bottom of the 4th Street Basin behind him. “The capping is what’s underway right now, as you see. We’re laying down the liner,” he explained.

The 4th Street Turning Basin pilot project has included installing steel sheet piles along the banks of the canal to allow for safe dredging, removing approximately 11 feet of sediment from the bottom of the Canal and transporting it to an off-site treatment facility. Currently in its final phase, approximately two feet of sand, clay, and “activated carbon-absorbing materials” are being laid down at the bottom of the turning basin to “create a clean canal bottom.”

Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

“Tremendous progress has been made at this site, and what we are learning here will be applied to the overall cleanup of the Gowanus Canal,” said Lopez. “This pilot project is serving its purpose—to show us what works best and what may not work as well under real-world conditions as we move toward full-scale cleanup of this highly-contaminated canal.”

Approximately 17,000 cubic yards of contaminated sediment have been dredged from the Gowanus Canal’s 4th Street turning basin so far. The project will help the EPA determine the overall engineering design for the dredging and capping of the entire Canal.

The EPA’s final cleanup plan for the Gowanus Canal Superfund site includes:

- Removing contaminated sediment from the bottom of the canal via dredging
- Capping the dredged areas using various capping techniques
- Working with the City of New York to prevent CSO discharges or street runoff from compromising the cleanup
- Excavating and restoring approximately 475 feet of the 1st Street Basin and 25 feet of the 5th Street Basin
- Treating the dredged contaminated sediment at an off-site facility

More than 300,000 cubic yards of highly contaminated sediment is expected to be dredged from the upper and middle portions of the Canal (the upper part runs from the top of the Canal down to 3rd Street while the middle runs from 3rd

Street to just south of the Hamilton Avenue Bridge). Another 281,000 cubic yards of contaminated sediment is expected to be pulled out of the lower portion of the Canal (from Hamilton Avenue Bridge down to the mouth of the Canal).



Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

Currently expected to be completed in the fall, the 4th Street pilot study began in October 2017 but ran into delays earlier this year when heavy machinery installing steel sheets to reinforce the crumbling bulkheads along the canal began disrupting some of the surrounding land and nearby buildings. An area of stones on the Whole Foods promenade, where Monday's press event was held, buckled from vibrations caused by the work, prompting the closure of that section of the promenade to the public.

"Our goal has been to stabilize these banks, that's what these sheet metal pilings are for, drive them down a significant depth to make sure that as we do the dredging that the banks retain their integrity and can be developed," Lopez explained. "Some of the soft material that you see here settled, the material was relatively new. As we were driving the sheet piling in, things were moving, some of the material here moved. The method for driving [the pilings] was causing quite a bit of vibration, so we had to step back and assess how we can do that differently."



Buckled bricks along Whole Foods Promenade (Photo: Pamela Wong/BKLYNER)

“That started shortly after the piling driving started which was in the earlier part of this year,” Walter Mugdan, EPA Superfund Regional Administrator for Region 2, further explained following the press conference. “Normally pilings are driven by pounding them in, or vibrating them in, and both of those techniques turned out to be unacceptable in this particular location.”

“There was a little bit of cracking occurring in one of the buildings across the [Canal], also from the vibrations, so we ended up directing the company that’s doing the work, to use a different technique which hydraulically presses the pile down into the ground, so rather than pounding it or vibrating it, it simply presses it, and that has the least amount of impact to the surrounding area,” Mugdan added.

“I wouldn’t say it’s dangerous, but we don’t want people walking there,” Lopez said of the damaged portion of the walkway. “The main structures as we understand are solid, it’s just the soft material in between. The building foundation and the concrete wall, [those are] not moving, but there was soft material in between that settled.”

“Once [the pilot] is done, the parties who are part of the process will help restore [the promenade],” Lopez added. “We have an agreement with Whole Foods, to come back and help restore their property and return it to its previous condition.” Among the Primary Responsible Parties [PRPs], National Grid is the lead responsible party that is contracting and overseeing the work at the pilot site, according to Mugdan.



Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

The pile driving along other areas of the canal will be done “site by site,” Mugdan said. “We now have a variety of techniques and we know that this pressing technique is available—it requires specialized equipment—but it’s available to us if and when it’s necessary.”

Selecting which type of capping material will be used will also be determined “site by site” as the cleanup progresses along the Canal. An “amended cap” was being laid down into the pilot site throughout Monday’s press event. “It has additional carbon-rich material in it beyond sand, so it not only provides a physical barrier between the contaminated sediment below and what’s above, it also creates a barrier that will capture chemicals as they come up,” Mugdan explained.

“There are a variety of [capping] techniques that we piloted and different techniques will be used in different parts of the canal depending on the level of contamination,” he continued. The head of the canal, the area opposite Public Place, and the area opposite Lowe’s have experienced the heaviest contamination because each location formerly housed a manufactured gas plant, according to Mugdan. “Those are areas of heavier contamination. With the coal tar material, contamination goes down as much as 100 feet, it can’t all be dug out, so those are the areas where we’ll get rid of the soft gooey stuff, the ‘black mayonnaise.’ The harder sediment below that’s still contaminated will get solidified with this process of adding cement in place, in situ, and it [will] become like a sheet of concrete.”



Capping work at Gowanus Canal 4th Street Turning Basin (Photo: Pamela Wong/BKLYNER)

“There are many things that make the canal unique,” Mugdan explained. “It’s so narrow, it’s right in this extremely dense urban area, there are these low bridges they have to work around. There are a lot of things that make this an engineering challenge and a logistics challenge. These turning basins have provided a useful locale for doing these pilots, then we eventually get out into the main stem of the canal and we have some better background as to what we’re doing.”

Dan Wiley, District Office Director for Congress Member Nydia Velázquez, reminded those in attendance at the press event that a North Gowanus Public Visioning Session will take place Wednesday evening. “Not only do we have the cleanup, we also have to make sure that we preserve the community and we’re able to get the best deal for the locality,” Wiley said.

Council Member Stephen Levin represents the northern section of Gowanus. His office coordinated Wednesday’s meeting, and while the Council Member was not at the press conference, a representative of his, Ben Solotaire said, “We’re committed to the cleanup of the canal, we’ve been working with our elected partners in the community. We want to guarantee that the open space at the canal where the CSO tank facility is going to go and the other spaces are

designed and being constructed with the community in mind and with the input of the community. As this process moves forward we look forward to working together with everybody and making it successful.”

The 4th Street Turning Basin pilot project is scheduled to be completed in the fall. The “full-scale dredging of the remainder of the Canal” is scheduled to begin in 2020. The estimated cost of the Superfund cleanup project is \$506 million.

Today’s press event coincided with the one-year anniversary of the release of the EPA’s Superfund Task Force Report. The Superfund Task Force was established to provide recommendations for improving the Superfund program. Learn more about the Superfund Task Force at epa.gov.

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1010 WINS

[Development coming to Gowanus Canal, but first a major cleanup](#)

July 23, 2018

A higher up from the EPA was in Brooklyn on Monday, as discussions continue on how best to clean up one of the nation’s dirtiest waterways.

The initial cleanup of a short spur continued near a Whole Foods on Monday.

“Once you start to dig down deep you risk bank failure, we don’t want that,” EPA Regional Administrator Peter Lopez.

He said metal plates have stabilized the banks, 17,000 cubic yds of contaminated sediment have been removed, and a sand mixture is being poured on top to cap the contaminated canal bed.

“We need to get through the remediation and again make sure that we can get everything stabilized before more development occurs,” he said.

Eventually there will be residential and commercial development with promenades, shops, and even kayaking.

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BROOKLYN PAPER

[The big sink: Whole Foods’s esplanade along Gowanus Canal puckers due to waterway’s cleanup](#)

By Julianne Cuba

July 24, 2018

The Gowanus Canal is swallowing this food whole!

The ground beneath a seating area outside Gowanus’s Whole Foods started sinking towards the toxic waterway it abuts after equipment workers used in the Superfund site’s scrub shook the land around the store, forcing employees to rope the space off indefinitely, according to the Feds leading the canal’s cleanse.

“As we were experimenting, a couple things happened, and some of the soft material that you see here settled,” Environmental Protection Agency Regional Administrator Pete Lopez said outside the Third Street grocer on Monday. “I wouldn’t say it’s dangerous, but I don’t want people walking there.”

The dirt underneath the tables and chairs on the brick promenade along the canal's Fourth Street Turning Basin shifted amid a pilot dredging-and-capping program in the basin, which stalled last year after workers realized the massive machines they used to install new bulkheads along that section of the channel too powerfully struck its banks, creating fissures in nearby buildings and land — including that beneath the al fresco hangout.

But those vibrations did not affect the Whole Foods building itself, which Lopez assured is safe from collapse.

"The main structure, as we understand it, is solid," he said. "We will keep a close eye on it because of course we don't want anyone to be hurt, or any damage."

The polluters who contaminated Brooklyn's Nautical Purgatory and are required to foot the bill for its cleanup, including utility company National Grid, will now also be charged with the cost to repair the grocer's waterfront esplanade, according to Lopez, who said the Amazon-owned supermarket won't have to spend a dime to fix the pedestrian space it paid to create.

"We don't expect Whole Foods to pay. I think they like us, we promised to fix their property," he said.

But the grocery store's patrons won't be able to munch on its produce along the putrid canal until the slow-going pilot program wraps, because Lopez's colleague said the Feds must finish that work before turning their attention to the plummeting promenade, where Whole Foods staff posted signs advising "caution, watch your step" and that it will be "closed until further notice due to ongoing cleanup efforts" in the meantime.

"The next step is to finish off this pilot project, and when the work is done this is all going to get repaired," said Environmental Protection Agency bigwig Walter Mugdan.

And although the initial dredging-and-capping program is progressing, Lopez said it's still moving slower than expected, and likely won't end until the fall at the earliest — roughly six months later than planned.

"We think it will continue into the fall. We're going to be here for some time doing the project," he said.

But the officials — who gathered near the Fourth Street Turning Basin on Monday to celebrate the one-year anniversary of a task force set up to streamline the federal agency's Superfund program by its now-disgraced former head Scott Pruitt — said their old boss's departure won't muck up the canal's already in-motion cleanse.

"We're full steam ahead," said Lopez.

Still, another Environmental Protection Agency staffer would not even attempt to guess when the entire purge will wrap — noting that years of work remain despite the 2022 end date officials first gave the project — or how much its current \$506-million price tag may balloon due to hiccups, such as the sinking esplanade, that arise along the way.

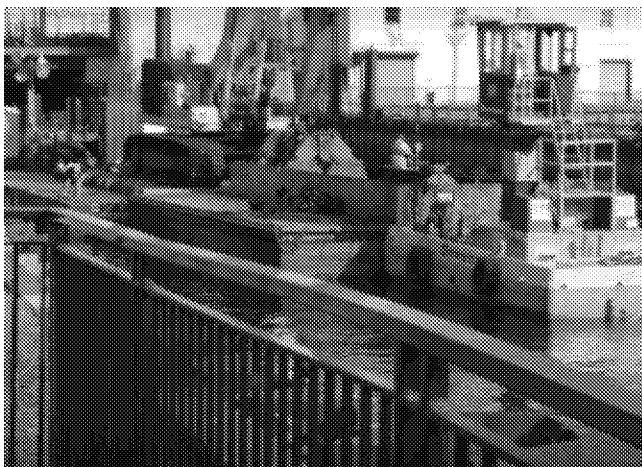
"It's going to be a number of years before we're actually back here and doing dredging, and then there are three to four years' worth of field work for us to actually implement it," said John Prince. "It's going to take longer than we could estimate a few years ago. That's as close as we're going to get."

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DREDGING TODAY

[Gowanus Canal Dredging Program Progresses](#)

July 23, 2018



The U.S. Environmental Protection Agency (EPA) said in its latest announcement that this week marks the one-year anniversary of their Superfund Task Force Report.

The Superfund Task Force was commissioned to provide recommendations on how EPA could streamline and improve the Superfund program.

"EPA has made significant progress in carrying out the report's recommendations. The Agency also finalized its plans for completing all 42 recommendations by the end of 2019, which are outlined in a new 2018 Update to the Superfund Task Force recommendations," they stated.

"EPA has improved the health, living conditions, and economic opportunity of thousands of people living near Superfund sites over the past year as the Agency worked to implement the Task Force recommendations," said EPA Acting Administrator Andrew Wheeler.

"I am proud of the accomplishments achieved by EPA's hardworking staff, and we will continue to engage directly with stakeholders and communities near Superfund sites to accelerate cleanup and promote economic revitalization. Our plan to complete Task Force recommendations by the end of 2019 will ensure this work continues as one of EPA's highest priorities."

Yesterday, EPA Regional Administrator Pete Lopez, Dan Wiley, Congresswoman Nydia M. Velázquez's District Director for Southwest Brooklyn, other dignitaries and community members looked on as the dredging and capping pilot project at the Gowanus Canal Superfund site in Brooklyn, N.Y. enters its final phase.

Under EPA oversight, approximately 17,000 cubic yards of contaminated sediment have been dredged from the Gowanus Canal's 4th Street turning basin. Work is currently underway to cap the bottom. said EPA.

Under the pilot project, steel sheet piles walls were installed along the sides of the canal to allow dredging work to be performed safely and sediment was removed and taken off-site for treatment and disposal. In the final phase, layers of sand, clay, and activated carbon-absorbing materials will be placed on the turning basin bottom to create a clean canal bottom.

The pilot study began in October 2017 and is expected to be completed later this fall.

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GLEN FALLS POST-STAR

[Harmful algal blooms close Lake Champlain beaches](#)

By Gwendolyn Craig

July 23, 2018



The Bulwagga Bay Beach and Port Henry Champ Beach on Lake Champlain were closed over the weekend because of harmful algal blooms.

They will reopen after state health officials test the water and deem it safe.

In a statement to *The Post-Star*, DOH said the closures were based on visual observations of blooms. Bulwagga Bay Beach closed on July 19 and Port Henry Champ Beach closed on July 21.

Harmful algae is another name for cyanobacteria, a kind of photosynthesizing bacteria that sometimes produces toxins. Exposure can cause respiratory problems, diarrhea, nausea, skin rash and other health complications. Cyanobacteria toxins have also been known to kill dogs

While not all blooms have toxins, the state encourages people and their pets to stay out of them.

The state's protocol for reopening a beach includes testing the water for toxins after the water is bloom-free for 24 hours. Once that sample is taken, the state's lab at the Wadsworth Center will test for microcystin, a kind of liver toxin that some harmful algal blooms produce.

If the toxin levels are less than 4 micrograms per liter, the beach may be reopened to swimming.

DOH said a water sample was supposed to be collected by the town Monday morning and sent to the Wadsworth Center for testing. That beach could be reopened as soon as Tuesday.

Lake Champlain and Lake George are part of a statewide initiative to study and combat the blooms.

The state Department of Environmental Conservation releases a weekly report of harmful algal blooms. The DEC reported 45 water bodies on its list as of Friday, though none were confirmed in Warren, Washington or Saratoga counties.

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BRONX TIMES

[Salamanca Visits Water Pollution Control Plant](#)

By Robert Wirsing

July 23, 2018



Councilman Rafael Salamanca got a firsthand look at the Rockaway Water Pollution Control Plant, operated by NYC Department of Environmental Protection, DEP Deputy Commissioner Pam Elardo. The event included touring the facility, seeing how the waste water is treated and processed and discussing how together, they can address the pervasive order issues at the Hunts Point Wastewater Treatment Plant.

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NJ SPOTLIGHT

[BPU Goes Giddyup as Murphy Wants NJ on Fast Track to Clean Energy](#)

By Tom Johnson

July 23, 2018



Most times, the New Jersey Board of Public Utilities is about as sleepy an agency as there is in Trenton — slow moving, often opaque, and rarely making significant enough decisions to draw much attention, or even less likely, controversy.

Not anymore. With Gov. Phil Murphy advocating an aggressive clean-energy agenda, the quasi-judicial body finds itself on the political hot seat. It is juggling a range of policies that could vault the state into a leadership role in a rapidly changing energy sector.

At the same time, it is overseeing a massive investment by the state's utilities to modernize an aging power grid, something that policymakers here and across the nation agree needs to happen for more resiliency and reliability in an era of climate change. All these developments could leave consumers saddled with billions of dollars in new costs on their utility bills.

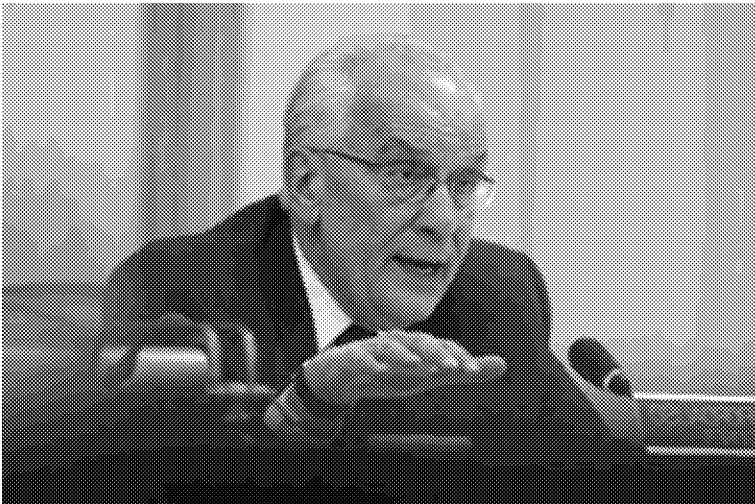
Six months into his new role as president of BPU, Joseph Fiordaliso sounds like he would not have it any other way.

"I have to start with one word — excitement. It's exciting," said Fiordaliso, a commissioner for the past 13 years before being appointed to head the agency by Murphy in January. "We're really the focal point of the Governor's agenda as far as clean energy is concerned."

Must reform solar-energy program

The agenda is ambitious — both in the short run and the long term. By 2030, the governor wants to develop 3,500 megawatts of offshore-wind energy. And within a couple of years, the agency must figure out a new way to pay for solar energy, or a program that has spurred more than 90,000 installations in New Jersey could crash. The state's utilities also must come up with new programs to have customers reduce gas and electric consumption.

That's hardly all. Sometime in the next year, Public Service Enterprise Group will be knocking on the agency's door, seeking approval for \$300 million in subsidies to prop up its nuclear power plants in South Jersey. The governor also wants a new Energy Master Plan by next July.



Fiordaliso, a native of Newark who now lives in Livingston, believes the governor's goals are achievable. "We're going to get to where we have to get," he said. "We don't have the time for things to lag."

Asked about how the agency is going to do so without a huge impact to ratepayers, Fiordaliso argued that just as the state has seen prices for solar energy drop over the past decade, prices for other renewable energy — including offshore wind — continue to drop.

"We are always looking at these programs with the ratepayer in mind," he said. "That's why we are going to take this step by step so we move prudently as we go."

Easing impact of climate change

There are benefits to the green energy program as well, he argued, noting that offshore wind, solar and other technologies assist with economic development. New Jersey's solar sector employs about 7,000 people, according to recent reports.

Moreover, Fiordaliso said the state has an obligation to do all it can to ease the impact of climate change. "If the scientists are correct — and I believe them — we have a very difficult future ahead of us," he said.

One of the more pressing issues facing the state is offshore wind. If New Jersey does not move more swiftly, developers fear they may not be able to qualify for federal tax incentives that could reduce the cost of their projects by about 12 percent. With the tax credit due to expire by the end of 2019, developers say it is imperative that New Jersey start accepting applications for projects by the end of the year.

“Our goal is to do the solicitation ASAP,” Fiordaliso said. On Wednesday, the board is scheduled to vote on a critical component of the offshore-wind program — a funding mechanism that will funnel ratepayer money to developers to help make the projects economically viable to Wall Street.

To address other issues involving offshore wind, the agency is waiting for the State Treasurer to sign off on a Request-For-Proposal to hire a consultant to develop a strategic plan for offshore wind in New Jersey.

Other consultants are expected to be brought on board to help the agency develop regulations and programs dealing with energy efficiency, energy storage, and other aspects of the BPU’s regulatory framework. The utilities will be charged to fund those hires.

Despite the shift to clean energy, Fiordaliso said natural gas and nuclear power will bridge the gap to achieving 100 percent renewable energy generation. “We are going to need, as I see it, something to get to clean energy,” he said.

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NEW YORK POST

[Boat dumps raw sewage in Brooklyn basin](#)

By Ben Feuerherd, Nick Fugallo and Bruce Golding

July 23, 2018



They’re up s—t’s creek — literally.

Workers servicing a “party yacht” spilled about 500 gallons of raw sewage into Red Hook’s Atlantic Basin Sunday, police said.

The human waste spewed out of the 100-foot Avalon around 1 p.m., fouling the waters of the Buttermilk Channel, cops said.

The disgusting mishap disgorged an amount of filth equal to more than 300 flushes of a toilet that meets federal standards — or enough fetid slop to fill 2 1/2 hot tubs.

Red Hook resident Kathleen Murphy, 31, was outraged by the vile incident.

“Red Hook is big on fish, and what do you think the fish will do if they see waste in the area? Attempt to eat it,” she said.

"Then we get sick from the poisoned fish."

Another Red Hook resident, Brian McGinn, 23, said an appropriate punishment needed to be dished out.

"Let's feed the owner some of what they're dumping and see how that changes," he said.

According to the BoatUS Foundation, it's illegal to discharge untreated sewage on inland waters or within three miles of shore.

Officials with both the US Coast Guard and the state Department of Environmental Conservation responded to Sunday's accident, the NYPD said.

Cops caught wind of it when an NYPD Harbor Unit overheard chatter about it over a police radio.

The two-level Avalon can carry 200 passengers and has a sun deck with "faux grass," along with an outdoor dance floor under a tent with "clear plastic sides that can be rolled up or down in the event of inclement weather," according to the Web site for Marco Polo Cruises.

The 80-foot boat is also featured on the Prestige Yacht Charters Web site, which says its "one-of-a-kind interior" — which includes a bar and buffet area — "has the feeling of your own private floating nightclub."

A man who answered the phone at Marco Polo Cruises said, "The Avalon hasn't operated in like two years, so that shouldn't be us."

Prestige charts the Avalon but "does not own or operate the boat" and "had nothing to do with the incident," according to company president David Hackert.

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GOTHAMIST

[Party Boat Dumps 500 Gallons Of Raw Sewage Into Water Off Red Hook](#)

By Claire Lampen in NEWS

July 23, 2018



The waters surrounding our lovely little trash island may be best described as garbage juice, so I can see where someone might gaze out upon the landscape and think, "Well, surely nothing I do could make this situation worse." But New York City can always get more disgusting—just ask the residents of Red Hook, who now have the pleasure of living alongside

an enormous floating sewage dump after a party boat spewed 500 gallons of human waste into the Atlantic Basin this weekend. That's 2.5 hot tubs' worth of poop, according to the New York Post's helpful visual metaphor, floating alarmingly close to the Red Hook Lobster Pound.

The Post reports that the roughly 100-foot Avalon (which boasts a 200-person capacity and a fake grass-trimmed deck) discharged its stinking mass, the equivalent of 300 toilet flushes, around 1 p.m. on Sunday afternoon. The NYPD Harbor Unit picked up the scent after talk of the gigantic dump surfaced on a police radio, and according to the NYPD, the United States Coast Guard and New York State Department of Environmental Conservation are now investigating the offending "dinner cruise boat." Because not only is this a very gross thing to do, it is also very much against the law.

The BoatUS Foundation states that, while "sewage regulations are some of the most misunderstood boating laws ... it is ILLEGAL to discharge UNTREATED sewage on inland waters and within 3 miles of shore." Boats must come equipped with an onboard treatment device, or a holding tank that can be emptied on shore, to avoid fecal bacteria contaminating the waters and shellfish beds—a big concern for Red Hook. As one angry resident pointed out to the Post, who wants to eat feces-fed fish?

Neither the Coast Guard nor the Department of Environmental Conservation immediately responded to a request for comment, and it's unclear who was responsible for chartering the boat on Sunday. We'll update when we know more.

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NEWSDAY

[NY DEC planning public meetings on commercial fishing](#)

By Associated Press

July 23, 2018

State environmental officials are planning public meetings in an effort to reform New York's commercial fishing license system.

The sessions to be conducted by the Department of Environmental Conservation will be over a three-week period beginning in late July. That will allow officials to gather feedback from key stakeholders about the current system and ideas for reforms to modernize and improve it.

New York's current licensing system has evolved over the past 30 years in response to changing fish populations in state waters, and the system has become complex.

Marine fisheries consultant George LaPointe will preside at the meetings, which begin July 30 at Kingsborough County College in Brooklyn.

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PRESS OF ATLANTIC CITY

[Slow going, and a long haul, at Vineland Superfund sites](#)

By MICHELLE BRUNETTI

July 22, 2018



VINELAND — Deep digs are completed in six homes around the Kil-Tone Superfund site here, according to the U.S. Environmental Protection Agency.

More than 50 other properties must now have their soil removed to 6 feet deep, and that work will continue in the fall on an undetermined number of homes, EPA spokesman Elias Rodriguez said.

Kil-Tone and Vineland Chemical, also in this historic manufacturing city, are two of the most active Superfund sites in our region. Most others are in a long-term monitoring phase.

The Kil-Tone pesticide manufacturing plant, at 527 E. Chestnut Ave., is the newest Superfund site in our region. It was added to the U.S. Environmental Protection Agency's federal Superfund list in 2016, after the agency found lead and arsenic contamination of groundwater and soil on and around the property.

The yards of 57 nearby homes were affected, and the EPA installed new lawns on them to contain the contaminants. The agency estimated cleanup costs at \$15 million. It has spent \$4.1 million to date, EPA spokesman Elias Rodriguez said.

A deep dig to remove contaminated soil from six of those properties began in November 2017 and finished June 29, Rodriguez said. The next phase of the deep dig will begin in the fall.

Arsenic causes cancer and other health problems, and lead is a toxic metal that can damage a child's ability to learn and cause adverse health effects in adults, according to the EPA.

At Vineland Chemical, 1611 W. Wheat Road, arsenic pollution that made its way into nearby waterways is the main problem. Recontamination of exposed sediment and soil was found in the Blackwater Branch of the Maurice River in 2016.

The EPA said at the time the site would need an additional \$15 million cleanup, after spending about \$219.4 million on the effort since 1992.

The EPA is in the beginning stages of implementing a new treatment system there, Rodriguez said, and the total spent to date is now \$221.5 million.

In 1994, the EPA reached a settlement with Vineland Chemical and its owners, who paid about \$1.2 million toward the cleanup, according to the EPA. They also were required to put other properties in trust to be sold. The rest has been funded with taxpayer dollars.

Since the early 2000s, the EPA has been pumping out and treating about 2 million gallons of groundwater per day, EPA project manager Hunter Young has said.

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QUEENS COURIER

Ridgewood Reservoir once delivered water, but now delivers life: Our Neighborhood, The Way it Was

By The Old Timer

July 21, 2018



Last week we looked at how our neighborhood's earliest settlers found the water they needed to live. This week, we take a look at the Ridgewood Reservoir, the heart of Brooklyn's first reliable water system, which also lent its name to the community that grew nearby.

The Ridgewood Reservoir was developed on 105 acres of farmland purchased from Isaac Snedeker located near Cypress Hills Cemetery, about a quarter-mile west of Fresh Pond Road (now Cypress Hills Street) and south of Cypress Avenue.

About 48 acres of the Snedeker Farm formed a natural basin and rose about 150 feet above sea level. In fact, the reservoir's location is at one of the highest points on geographic Long Island, atop a moraine formed by Ice Age glaciers eons ago.

Location of the reservoir was important, as the gravity-fed system allowed water to flow naturally from the high reservoir down through the distribution system running below Brooklyn streets. At its peak, the reservoir would hold 150 million gallons of water, providing enough water to Brooklyn residents to last them at least 10 days.

A smaller, secondary reservoir holding about 20 million gallons was built in Flatbush Hills, about 175 feet above sea level.

The plan include constructing an iron pipeline 36 inches in diameter and five miles long connecting the Ridgewood Reservoir to the distribution system; the pipe generally ran along Cypress Avenue to Vermont Avenue, then proceeded further into Brooklyn.

A strip of land leading south from the main reservoir to Elderts Lane was acquired to install a 36-inch diameter, 3,400-foot-long iron-clad force tube pumping water into the reservoir from a long, covered aqueduct (or conduit) running along what eventually became Rockaway Boulevard.

Looking on a map of Brooklyn and Queens today, we see constant reminders of the Ridgewood Reservoir system, including Force Tube Avenue in Cypress Hills, Conduit Avenue through Brooklyn and Queens and Aqueduct Racetrack.

The covered aqueduct/conduit ran through south Queens and was connected to pumping stations developed near the spring-fed Baisley Pond, about six miles east of the reservoir. The aqueduct continued along what would later become Sunrise Highway into present-day Nassau County and connect to another water source for the reservoir: the Hempstead Lakes at present-day Hempstead Lake State Park.

The four ponds at Baisley and Hempstead were capable of producing 25 million gallons of water a day. The conduit would later terminate at a water source near the Suffolk County town of Wyandanch, which was then called "Ridgewood."

Within two years of the project's start, developer H.S. Wells and Company guaranteed, 10 million gallons of water would be delivered to Brooklyn per day; an additional 10 million gallons per day would be delivered within three years of the project's beginning.

The water works, at full capacity, were capable of delivering 40 million gallons per day with all four steam engines and pumps installed at the main reservoir, and when the aqueduct system was expanded further east on Long Island to tap additional supplies of water.



This undated photo shows the Ridgewood Reservoir full of water while it was used to provide Brooklyn residents with the water needed to cook, clean, bathe and drink. Now completely out of the city's water system for more than 25 years, the reservoir's become naturally reforested, full of all kinds of wildlife. (Ridgewood Times archives)

Breaking ground

The formal ground-breaking for the Ridgewood Reservoir took place on July 31, 1856. The Common Council of Brooklyn arranged for 30 horse-drawn stage coaches to leave Brooklyn City Hall downtown between 2:30 and 3 p.m. to journey to the reservoir site.

The ceremony was to start at about 4 p.m. A platform had been built and draped with American flags. Stewart's Brass Band entertained the crowd with patriotic songs before the ceremony began.

Among the estimated 1,000 people in attendance was Jacob Denton, who owned a farm on the east side of Fresh Pond Road that later became part of Mount Carmel Cemetery, and his son, William.

Brooklyn Mayor George Hall was among the featured speakers; he would use a special shovel to turn the first dirt.

Renaming the area

The groundbreaking was featured on the front of the following day's issue of The New York Times. They stated that from now on the site would be called "Ridge Wood" and not Cypress Hills. It did not state the authority for this name, but presumably the directors of the Nassau Water Company had so decided.

Prior to this date, none of the maps of the area show the name Ridgewood in use. However, subsequent to the groundbreaking, the maps show the site as the Ridgewood Reservoir.

The June 28, 1858, issue of the Long Island Democrat followed suit in one of its stories: “The 4th of July at Ridgewood, Long Island: This place formerly known as South Williamsburgh was lately christened Ridgewood. It is located on the Cypress Hills macadamized road about three miles from Peck Ferry Slip, near the Ridgewood Reservoir of the Brooklyn Water Works, and in the immediate vicinity of the Cemetery of the Evergreens.”

But today, the Ridgewood Reservoir is actually located in Glendale. Over the years, as Ridgewood and Glendale became developed, the Long Island Rail Road’s Bay Ridge branch became part of the boundary separating the neighborhoods.

Land north and west of the Bay Ridge line is in Ridgewood; and areas south and east of the line — including the reservoir — is considered Glendale.

Drinking ‘Ridgewoods’

Although H.S. Wells and Company had guaranteed to deliver 10 million gallons of water per day within two years, as it developed, they were substantially late, as work would not wrap up until 3 1/2 years after it started.

Finally, on April 28, 1859, the City of Brooklyn held a five-mile-long parade to celebrate the completion of the initial stage of the water works. To prevent any anticipated violence, 500 police officers were hired to supplement the Brooklyn Police Force, but as it happened, they were not needed.

The parade started at the corner of Myrtle and Bedford avenues and proceeded north along Bedford Avenue through Williamsburgh.

Major Gen. H.B. Duryea, who was head of the Fifth Brigade, led the parade. The Fifth Brigade was made up of the 13th, 14th, 17th and 72nd Regiments. New York Gov. Edwin Denison Morgan also participated, as did the common council of Brooklyn.

Because pure water meant that decent ice could be made, about 100 icemen marched in the parade, carrying their ice tongs.

When the first water from Ridgewood Reservoir flowed through the mains of the City of Brooklyn on April 28, 1859, the residents tasting the good water called their drinks “Ridgewoods.”

Although the celebration took place in April 1859, it was not until the following year, Jan. 20, 1860, that the water works became fully operational.



The lake at the heart of the Ridgewood Reservoir in Basin 2 (File photo/QNS)

Recycling the reservoir

For nearly 100 years, the Ridgewood Reservoir provided Brooklyn residents with all the water they needed to drink, cook, clean and bathe. It would outlive the City of Brooklyn itself, which was incorporated into Greater New York City in 1898.

After New York City connected its water system — which supplies water from reservoirs upstate — to Brooklyn, the Ridgewood Reservoir became redundant. It was rendered a backup water supply in 1959, and taken completely out of the city's water system 40 years later.

The basins were drained and the site was left dormant for 25 years, allowing the reservoir to naturally reforest itself. Eleven years ago, the city Department of Environmental Protection (DEP) transferred ownership of the reservoir to the Parks Department for future development as parkland. Incredibly, while the two outer basins were reforested, the center basin is home to a shallow, beautiful lake surrounded by natural reeds.

Several years later, then-Mayor Michael Bloomberg outlined a master plan which would have transformed the Ridgewood Reservoir and neighboring Highland Park into one of eight "regional parks" across the city.

Initial plans called for one of the three reservoir basins to be cleared and developed into new athletic fields and park space. As much as \$50 million in city funds were initially allocated for this endeavor.

Residents, environmentalists and other civic activists fought the proposal, claiming that development plans would harm the reservoir's fragile ecology created over the previous two decades. As reported by QNS and the Ridgewood Times, the reservoir is "home to more than 100 species of birds — including at least five that have been listed as Threatened or of Special Concern in New York state — several different species of plant and fauna and a wide variety of tree species."

The Great Recession of 2007-09 caused financial distress in the city, forcing the \$50 million reservoir revitalization plan to be tabled indefinitely. The Parks Department, however, received funds in recent years to renovate the perimeter pathways and a causeway between two of the three basins.



Local elected officials held a ribbon cutting in October 2013 marking the completion of renovations to the exterior of the Ridgewood Reservoir (Ridgewood Times archives)

In just the last year, the state and federal governments have recognized the ecological importance and the historical significance of the Ridgewood Reservoir. The site was added to the National and State Registers of Historic Places, and the state Department of Environmental Conservation announced it would designate the reservoir as a wetland.

Writing to local Assemblywoman Catherine Nolan, DEC Commissioner Basil Seggos said that the wetlands within the reservoir are of "unusual local importance," making them eligible to be added to DEC's official wetlands map.

It would seem that the Ridgewood Reservoir truly has come full circle. The heart of a mechanical water system that once brought a taste of nature to a city now has come back to nature itself.

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POUGHKEEPSIE JOURNAL

Drinking water not affected by untreated waste discharges, officials say

By Ryan Santistevan

July 20, 2018



Drinking water in the City of Poughkeepsie wasn't affected by hundreds of thousands of gallons of untreated waste recently discharged into the Hudson River, according to Randy J. Alstadt, Poughkeepsie's Water Treatment Facility plant administrator.

More than 500,000 gallons of untreated waste discharged into the river at 200 Rinaldi Blvd. since July 14, according to alerts sent out by the state. Heavy rain and thunderstorms were cited as the cause of the discharges on July 14 and 17, according to the alerts.

There have been six reported discharges at this location, two miles downstream from the plant, since June, according to the New York Department of Environmental Conservation.

Alstadt said the plant pulls water from the middle of the Hudson River, five feet from the bottom. The water then goes through a multi-step treatment process before it reaches taps in area homes.

The river flows at periods of 1 billion gallons per day, Alstadt said. The average intake flow at the plant is 12 million gallons per day.

"Dilution and the distance our intake is from the spill would make impact to our facility unlikely," Alstadt said in a statement. "The treatment facility operated normally including three phases of disinfection which includes ozonation, ultraviolet light and chlorination."



Untreated waste overflow isn't new

The discharges into the river is nothing new, according to Mayor Rob Rolison. The city reports any discharge from its combined sewer systems to the state's alert system, as required by New York's Sewage Pollution Right to Know Act.

The notifications sent out to the public by the state are new and part of a NYSDEC updated program. The city must notify the DEC within two hours of discovering the overflow and the public must be notified within four hours.

"The City of Poughkeepsie, like many older cities has a partially combined sewer collection system which means that in parts of the city, storm water runoff, domestic sewage and industrial wastewater are collected in the same pipe and transmitted to the wastewater treatment plant," Rolison wrote in a letter to the Common Council, city administrator and city engineer.

The excess discharge locations are recognized as combined sewer overflow outfalls and there are over 800 in the state.

"This process has occurred since the creation of the combined sewer system except for the fact that the discharge is controlled and permitted by DEC," he wrote in the letter.

"DEC aggressively monitors such overflows and other wastewater discharges in order to ensure protection of public health and the environment and reserves the right to pursue actions against municipalities for failure to comply with reporting requirements," according to a statement from the DEC.



A sign indicating the location of a wet weather discharge point along the Hudson River near Shadows Marina in the City of Poughkeepsie on July 18, 2018. (Photo: Patrick Oehler/Poughkeepsie Journal)

Plans to separate the sewer system

In 2008, the city created a long-term plan to separate the sewer system and it was approved by the NYSDEC, Rolison said.

Improvements were expected to be made to the system up until 2028. He said the current price estimate to fix the system is \$50 million. In 2018, \$2.7 million was allocated toward sewer improvements.

The city has already spent millions of dollars to improve the system and is working to develop plans for construction of approximately \$10 million in improvements, according to Rolison.

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Local organization repudiates reclassification of seven nature reserves

July 23, 2018



Two groups of environmental protection in Toa Baja and Camuy showed today, Sunday, their total repudiation of the decision of Governor Ricardo Rossello Nevares to reclassify seven nature reserves on the recommendation of the Planning Board.

Rosselló Nevares rescinded, through two executive orders signed on July 3, the delimitations of the natural reserves of Mar Chiquita, Finca Nolla, the Camuy River, the wetland Playa Lucía, Punta Cabuyones, Punta Guilarte and Punta Petrona.

The delimitations were contained in seven sectoral plans, documents that specify the uses allowed in the nature reserves, which were approved in December 2016, the last month of the Alejandro García Padilla government.

The governor justified his decision to sign both orders and annul the sectoral plans because the last administration did not give enough citizen participation in the elaboration of sectoral plans, caused conflicting uses in the land and used as a basis documents that are not the current state of law. Therefore, the Planning Board recommended the cancellation of the documents so they can be submitted and evaluated again.

Juan Camacho, spokesman of the group "Toabajeros in defense of the environment", emphasized that the abandonment of the delimitations of the seven reserves "is the beginning of a new wave of construction in maritime-terrestrial zones and in ecologically sensitive lands."

"By means of the excuse of the existence of procedural conflicts and, incredibly, by the 'absence of citizen participation', the governor and the Planning Board begin the process of banquet all of our protected lands. Today they cancel the designation of natural reserve and tomorrow they alter the Territorial Ordinance Plan, changing the classification of the land," Camacho said in a written communication.

As an example, Camacho pointed out the decision of Rosselló Nevares to amend the Territorial Ordinance Plan of the Municipality of Peñuelas that opened the way for the development of the residential-tourist project known as El Caño Hotel and Resort in the Encarnación neighborhood.

"Everything seems to indicate that both the new projects and those that in the recent past did not comply with the existing regulations and with the endorsement of the citizenship, will have free passage through the administration of this administration, so tomorrow they will come by the Model Forest, the Corridor Ecological Northeast, Caño Tiburones and other reserves, all with the help of the new permit law, Title V of the Promise Law and a particular interest in contempt for natural resources that this administration demonstrates," Camacho added.

For his part, the candidate for the presidency of the Popular Democratic Party (PPD) in Camuy, Elvis Cuba Quiles, showed his opposition to the reclassification of Finca Nolla and Río Camuy.

"The ecological restoration project of Finca Nolla, led by the Coastal Ecological Conservation and Restoration Center of the University of Puerto Rico in Aguadilla, was one of the projects highlighted by the Annual Report of Achievements of the Coastal Program of the Fish and Wildlife Service of the United States, that achievement must be protected," Cuba Quiles said in a press release.

"It is known by everyone that in our territory we have the third largest cave system in the world where, at the moment, 18 entries have been discovered, and no other place in the world has a marvel like the Caves of the Camuy River, and the obligation of all Puerto Ricans are to protect the set of natural elements associated with the Camuy River," Cuba Quiles added.

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EL NUEVO DIA – Google Translated to English

[Have you prepared for the hurricane season?](#)

By Mildred Rivera Marrero

July 23, 2018



It is important that you identify your resources, strengths and weaknesses, including your ability to move, your support group and your home, but it also involves making an assessment of your health.

There is a saying that "it's never too late". Therefore, if you have not yet taken the necessary measures to safely face this hurricane season, it is on time.

Hurricane Maria changed the rules of the game for everyone. It caused great damage to homes and infrastructure. But, the most significant impact was the interruption of telecommunications and electric power service, which still affects thousands of people today.

As a consequence, we live the closure of all kinds of shops and service offices, as well as a shortage of food and water, lack of access to medicines and medical attention.

The deaths of people with diverse health conditions, especially of older adults, are counted in thousands, although there is no exact figure.

That is the scenario for which we have to prepare. And, the first thing we must do is evaluate our individual risks and needs, because we all have different conditions, even if we live in the same sector.

In several workshops and conferences offered in the past months in advance of this season, the first thing that has been emphasized is the need to make an assessment of the risks. That is, in case of a hurricane or heavy rains that cause flooding or landslides, what is your "A" plan and what is your "B" plan?

To do this, you must answer questions such as the following:

- If I live in a flood-prone area, isolated or prone to landslides, where will I go to protect myself before the event occurs?
- Am I independent or do I need help to move? Who can assist me?
- Do I care for a person with mobility limitations, in a wheelchair or bedridden? Who can assist me?
- Do I use special medical equipment that requires electrical power continuously?
- Who can I call at an emergency time? Do I have your phone numbers?
- If communications are interrupted, how can I communicate to ask for help?
- How will I leave my house and my sector? Do I have a car or will someone offer me transportation?
- If the electric light and water go away, do I have an alternate power source, such as a plant or solar energy system? Do I have stored water?
- Do I have adequate supplies of non-perishable food and water? The recommendation before Maria was that they be stored for 24 hours or three days. After what we have gone through, the supply should be for one or two weeks.
- Do I have my medications for at least 30 days?
- If I have diabetes and use insulin, how will I have it refrigerated? Insulin can last up to 28 days out of the refrigerator, if it has not been exposed to the sun.
- Do I have an emergency backpack with the necessary items, including essential documents?
- If my primary care physician is not available, do I have an alternative? It would be good to inform and coordinate with your doctor and your health insurance.
- How much cash should I have to meet my needs for at least three weeks, in case banks and ATMs do not operate?
- I have pets? Must have provisions for several weeks.

The answer to these and other questions will allow you to make an emergency plan for you and your family, which you should share with family and neighbors and, of course, with the people you have identified as your support network. This step in your emergency plan is vital, especially now that emigration has left many people without support. If your children and other family members emigrated, you should make contact with neighbors or acquaintances to help you if you need it.

It is important that you identify your resources, strengths and weaknesses. That includes their ability to move, their support group and their housing, but it also involves making an assessment of their health and recognizing that, in times of emergency, older people are more vulnerable to diseases. Therefore, you have to give priority to take care of your physical and mental health.

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ENERGYWIRE

[Governor rebuffs panel probing troubled utility](#)

By Peter Behr, E&E News Reporter Published

July 23, 2018

On Wednesday, the House Natural Resources Committee has scheduled an oversight hearing on what Chairman Rob Bishop (R-Utah) is calling the management crisis at the bankrupt Puerto Rico Electric Power Authority (PREPA).

Bishop asked Puerto Rico Gov. Ricardo Rosselló, a central figure in that crisis, to attend the hearing or send a representative. On Friday, the governor said he would not appear, a committee aide said.

In a letter to the governor last week, Bishop pointed to the departure of PREPA's CEO on July 12 after just four months on the job and the resignation of a majority of PREPA's governing board following controversy over executive pay.

Bishop said the upheaval is evidence that the commonwealth's bankrupt utility remains crippled by political pressures.

"Undoubtedly, the recovery and revitalization of Puerto Rico in the near and long-term is unattainable without the depoliticization of PREPA," Bishop's letter said.

For Wednesday's hearing, the committee also invited representatives of Puerto Rico's creditors and Energy Department Assistant Secretary Bruce Walker, who has headed the department's response to Hurricane Maria's devastation last year.

Committee staff said House members are seeking a new plan that can lead to restructuring of the 77-year-old utility to create a more efficient, storm-resistant electric power network. That requires decisive action by Rosselló and other commonwealth leaders to create investor confidence in PREPA's management, Bishop has said.

The hearing Wednesday could lay groundwork for a new legislative proposal to move PREPA's restructuring forward, committee aides said.

Local outrage

PREPA's management woes have led the news in Puerto Rico and raised concerns on the mainland.

PREPA CEO Walter Higgins left that job this month in what some observers said was a response to legislators' criticism of his salary.

PREPA board member Rafael Diaz-Granados was picked to replace Higgins, but he too resigned after the governor criticized his \$750,000 pay, according to press reports.

Four other members of PREPA's seven-member board also turned in resignations. Rosselló then appointed former PREPA Chairman José Ortiz to head the utility.

Politicians have been reacting to public outcry on social media. While utility executives often command high salaries, Puerto Rico's deep economic malaise has people skeptical of any public official making significantly more than they do.

The challenge of creating a new structure for PREPA is compounded by the continuing financial crisis facing the entire commonwealth, which declared bankruptcy in May 2017 with \$120 billion in municipal debt and pension obligations it could not pay.

As bankruptcy loomed, Bishop's committee engineered the Puerto Rico Oversight, Management and Economic Stability Act, enacted in 2016, which included appointment of an independent fiscal oversight board. A resolution of the commonwealth's debt is not in sight, and Rosselló and the oversight board are at odds.

Rosselló also appears to be at odds with Bishop. He asked the committee to apologize for a tweet, which posted the chairman's hearing invitation letter and told the governor to call his office.

Bishop and committee Republicans are focused on ridding PREPA of political influence, resolving the debt issue, designing a new structure for the utility that privatizes parts or all of its operations, and creating an independent utility regulator with strong oversight authority, aides said.

Committee Democrats, while recognizing PREPA's management crisis, are also resisting a financial settlement that is unfairly generous to commonwealth creditors at the expense of the utility and its customers.

In June, the Energy Department issued recommendations for reforming the island's utility structure and building a more resilience grid.

The report, "Energy Resilience Solutions for the Puerto Rico Grid," did not dictate a federal solution, DOE said (Energywire, June 21).

Rebuilding the grid "ultimately depends on the leadership and commitment of the Government of Puerto Rico," DOE said, and of PREPA and its regulator, the Puerto Rico Energy Commission, which have a history of contention but not collaboration. The committee returns to that challenge Wednesday.

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US VIRGIN ISLANDS DAILY NEWS

[As restart begins, cleanup continues at refinery](#)

By BRIAN O'CONNOR Daily News Staff

July 23, 2018

The most recent report issued by a group tasked with monitoring groundwater and soil at the former HOVENSA refinery on St. Croix shows ongoing work at the site.

Recovery at the site is managed by the HOVENSA Environmental Response Trust, an entity created as part of HOVENSA's 2015 bankruptcy filing.

The Environmental Response Trust is worth \$72 million, and maintains an additional \$75 million environmental insurance policy on the site. The trust pays a court-appointed firm, Los Angeles-based Project Navigator Ltd., to conduct monitoring and environmental remediation at the site.

The U.S. Environmental Protection Agency website offers reports about the remediation effort every two years.

The most recent report is dated 2015, though EPA spokeswoman Mary Mears provided a copy of the 2017 report in response to an inquiry by The Daily News. The 2017 report is currently under EPA review, before being included in the national database, Mears wrote.

According to Mears, the EPA received the report by its March deadline, “but the reports for 2017 are not yet posted to the web, as they first undergo a review from EPA and then are uploaded into the national database, which is a process that takes some time.”

Like virtually every aspect of island life, the 2017 Atlantic hurricane season had an impact on the recovery effort at the idled oil refinery, according to the Environmental Response Trust’s report.

“Remaining work includes completing pending repairs on the recovery well system, replacing missing signs and labels across the site, repair and replacement of fencing, replacement of the damaged Conex containers used to store tools and materials, sourcing and replacing the damaged tools and materials, repairing and replacing damaged light duty vehicles and repairing damaged heavy equipment,” the report reads.

Remediation ongoing at the site includes recovery pumping, well vacuuming, a solar-powered recovery pump, and absorbent materials in the forms of socks and booms. The target of the recovery and filtration efforts are petroleum hydrocarbons, a broad category of organic compounds that make up unrefined oil.

The pumps deal with about 116,592 gallons of water per day, and remove about 142 gallons of hydrocarbons per day from the watershed directly under the refinery site. The figures record a significant decrease in the removal from the prior period, which saw roughly 267 gallons of hydrocarbons per day, according to the report.

“The decrease is primarily attributed to the decreased size of the recovery well system and also attributed to the effects of Hurricanes Irma and Maria,” the report reads in part. “Recovery pumps were taken offline as part of the preparations for Hurricanes Irma and Maria, and the significant impact of Hurricane Maria resulted in recovery wells remaining offline until repairs could be made and utilities restored.”

Since recovery efforts began, roughly 44.4 million gallons of petrochemicals have been removed from the watershed.

A second report, which details groundwater monitoring just south of the main refinery site looking for increases in the amount of contaminants leaking into the surrounding watershed showed no significant increases in pollutants, indicating that pollutants are currently contained to the refinery site, according to the report.

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US VIRGIN ISLANDS DAILY NEWS

[EPA: Limetree removed asbestos from site after Maria](#)

By Brian O’Connor, Daily News

July 23, 2018

Among the issues the U.S. Environmental Protection Agency discussed in response to an inquiry from The Daily News was the presence of asbestos at the St. Croix refinery.

Limetree Bay Terminals officials discussed the possible presence of asbestos at the site in an internal memo dated Oct. 9, a copy of which was furnished to The Daily News. In an email in response to The Daily News,

EPA spokeswoman Mary Mears said those concerns were addressed as part of a post-hurricane assessment of the facility.

“Limetree Bay sent the asbestos-containing material to the mainland to be disposed of at landfills that accept such waste,” Mears wrote. “An EPA On Scene Coordinator did a post-hurricane assessment at the facility and did not observe the presence of any asbestos-containing material.”

EPA regulates asbestos — which is an irritant when inhaled — under the terms of the National Emission Standards for Hazardous Air Pollutants.

According to Mears, the amount of asbestos released into the air as result of Hurricane Maria, which rumbled past St. Croix on Sept. 19 and Sept 20, exceeds the amounts the emission standards typically deal with.

“EPA was informed by the facility that during the hurricanes, Limetree Bay sustained some damage to insulation of pipes and other process equipment. Although the damage was not a true ‘asbestos renovation or demolition’ under NESHAP, since the amount of asbestos debris caused by Hurricane Maria was larger than the regulated amounts associated with NESHAP (greater than 160 linear feet), it was subject to the asbestos NESHAP work practice requirements for handling and disposing of the debris properly,” Mears wrote.

Standards require keeping debris wet and bagged in leak-tight bags, and moving the material to a regulated landfill, according to Mears. The removal also requires employees licensed to conduct asbestos removal.

In the Oct. 9 memo, Nate Werner, Limetree’s director of operations, warned employees that insulation material in some of the buildings at the refinery could contain asbestos, and that employee access to the site was limited to those with appropriate personal protective equipment.

Werner’s memo also indicates Limetree Bay officials were working to keep the material damp, as required by EPA standards.

“During the weekly safety topic, we discussed damage to insulation in the idled refinery process units from the storm and potential hazards it might present,” Werner wrote. “Limetree Bay is required to assume most of this insulation contains asbestos, but only testing will confirm that. Insulation is being kept damp while removal/disposal operations are underway. Access to areas where damaged insulation is present has been restricted and proper PPE is required.”

Asbestos is a naturally occurring mineral sometimes used as an insulator because of its high heat tolerance and fibrous consistency.

However, asbestos fiber inhalation has been associated with lung cancer, mesothelioma — a cancer of the linings of internal organs — and a pneumonia-like irritation of the lungs.

Asbestos use in the United States is not banned, but the substance is heavily regulated by the EPA.

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US VIRGIN ISLANDS DAILY NEWS

[EPA: Refinery consent decree still in effect](#)

By Brian O’Connor, Daily News

July 23, 2018

U.S. Environmental Protection Agency officials have confirmed the status of a \$700 million consent decree between HOVENSA and the federal agency, which could have potential ramifications for plans to restart the St. Croix refinery.

Officials with Limetree Bay Terminals and ArLight Capital Partners testified Friday before the V.I. Legislature that only a full restart, including the reactivation of the refinery’s catalytic cracking device, would require them to pay the full \$700 million. The Legislature is scheduled to take up the issue in special session Wednesday.

In an email to the Daily News on Friday, EPA spokeswoman Mary Mears said Limetree is bound by the consent decree, though the exact nature of the liability is still under discussion.

"When the HOVENSA facility idled in 2011, most of the work, referred to as injunctive relief, required by the Consent Decree had not yet been completed," Mears wrote. "Injunctive relief was anticipated to result in expenditures of approximately \$700 million. The consent decree and documents filed in HOVENSA's bankruptcy action require the new owner to become party to the consent decree and transferred consent decree obligations relating to the purchased assets to the new owner. Following purchase of the facility, Limetree Bay Terminals commenced discussions with the Department of Justice and EPA."

Limetree approached the EPA about potential restart and other projects in late 2017, according to Mears.

Representatives for the government — notably Joel Holt, a St. Croix attorney who assisted the government in negotiating the restart — have said that since the refinery restart won't entail restarting of the entire facility, Limetree won't have to pay the entire \$700 million associated cost.

However, Limetree and ArcLight have evaluated the restart from the perspective of having to invest at least some of the restart money into bringing units they plan to use into compliance, Holt said.

"Each unit that they want to open comes under that consent decree," Holt told senators on Friday. "Each one of those units will have its own requirements that they'll have to comply with."

The consent decree came after a series of incidents on St. Croix in which emissions from the plant sickened residents in surrounding communities.

One of the chief toxins that led to the consent decree was the release of benzene, a petrochemical known to cause myocardial infarction, acute leukemia, bone marrow failure, and cardiovascular disease at high concentrations.

The American Petroleum Institute, a trade association and lobbying group for oil and natural gas producers, wrote in 1948 that despite federal limits, benzene should be avoided.

"Inasmuch as the body develops no tolerance to benzene, and there is a wide variation in individual susceptibility, it is generally considered that the only absolutely safe concentration for benzene is zero," a Petroleum Institute Toxicological Review from 1948 reads.

The U.S. Occupational Safety and Health Administration puts the acceptable rate of exposure at one part of benzene per million parts of air for eight hours. Short-term exposure should not exceed more than 5 parts per million for a 15-minute period, according to OSHA regulations.

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NOTICEL – Google Translated to English

[Out of operation AAA filtration plant](#)

July 23, 2018

The high turbidity by the rains recorded yesterday afternoon in the intake of raw water from the Jayuya Urbano dam, keeps the filtration plant out of operation, informed the executive director of the northern region of the Aqueduct and Sewer Authority (AAA), José A. Rivera Ortiz.

"AAA Brigades carry out cleaning work on the pocetos, to begin the filtration and distribution process, and at the moment the Rio Grande, Puerto Plata, Arenas, Gripiñas Coabey, Santa Bárbara and the urban areas experience intermittency in the water service. drinking," said the official.

Rivera Ortiz added that the works should conclude in the afternoon of Monday.

It is recommended that once the service is restored, boil the water for three minutes before human consumption.

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LA PERLA DEL SUR – Google Translated to English

[High turbidity affects the production of the Jayuya Urbano filter plant](#)

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National News

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Trump to Seek Repeal of California's Smog-Fighting Power

<https://www.bloomberg.com/news/articles/2018-07-23/trump-is-said-to-seek-repeal-of-california-s-smog-fighting-power>

Posted: July 23rd, 2018 @ 12:07pm By: Ryan Beene , Jennifer A Dlouhy , John Lippert , and Ari Natter

The Trump administration will seek to revoke California's authority to regulate automobile greenhouse gas emissions -- including its mandate for electric car sales -- in a proposed revision of Obama-era standards, according to three people familiar with the plan.

The proposal, expected to be released this week, amounts to a frontal assault on one of former President Barack Obama's signature regulatory programs to curb greenhouse gas emissions that contribute to climate change. It also sets up a high-stakes battle over California's unique ability to combat air pollution and, if finalized, is sure to set off a protracted courtroom battle.

The proposed revamp would also put the brakes on federal rules to boost fuel efficiency into the next decade, said the people, who asked to not be identified discussing the proposals before they are public. Instead it will cap federal fuel economy requirements at the 2020 level, which under federal law must be at least a 35-mile-per-gallon fleet average,

rather than letting them rise to roughly 50 mpg by 2025 as envisioned in the plan left behind by Obama, according to the people.

As part of the effort, the U.S. Environmental Protection Agency will propose revoking the Clean Air Act waiver granted to California that has allowed the state to regulate carbon emissions from vehicle tailpipes and force carmakers to sell electric vehicles in the state in higher numbers, according to three people familiar with the plan.

The U.S. National Highway Traffic Safety Administration will likewise assert that California is barred from regulating greenhouse gas emissions from autos under the 1975 law that established the first federal fuel-efficiency requirements, the people said.

The proposal is still in the final stages of a broad interagency review led by President Donald Trump's Office of Management and Budget, but these major elements of the plan were not expected to change, the people said.

Messages seeking comment from OMB, NHTSA and the EPA were not immediately returned. California Air Resources Board head Mary Nichols declined to comment. Once the agencies formally unveil the proposal, the public will have a chance to weigh in, with those comments used to develop a final rule that could be implemented as soon as the end of the year.

Although the proposal will outline other options, the administration will put its weight behind the dramatic overhaul, including the revocation of California's cherished authority, the people said.

The state's 2009 waiver under the Clean Air Act has allowed California to set emissions rules for cars and trucks that are more stringent than the federal government's. But the state has aligned its rules with those set by the EPA and NHTSA in a so-called national program of clean-car rules. Negotiations toward another set of harmonized rules has not yet yielded agreement.

If Trump's plan sticks, it could be his biggest regulatory rollback yet. Agencies are expected to claim it will reduce traffic fatalities by making it cheaper for drivers to replace older, less-safe cars, while paring sticker prices for new vehicles even if motorists have to spend more for gasoline.

California, for its part, rejects the idea that its 48-year ability to write its own tailpipe emission rules should end. "We have the law on our side, as well as the people of the country and the people of the world," said Dan Sperling, a member of the state's Air Resources Board said.

The most-populous U.S. state and 16 others plus the District of Columbia filed a lawsuit on May 2 seeking to block the Trump administration's effort to unravel the Obama-era emissions targets. Sperling said that number will grow as more and more people come to realize how fundamentally Trump is attacking the idea of states' rights.

Caught somewhere in the middle are automakers, which in recent months have stressed they would not support freezing the federal targets and want Washington and Sacramento to continue linking their vehicle efficiency goals. While they spent the first year of the Trump administration attacking Obama's rules as too costly, they fear the regulatory uncertainty that a years-long court battle over a rollback would create. In addition, other major auto markets such as China and Europe are pressing forward with tougher mandates of their own for cleaner cars.

"This is nothing less than an outrageous attack on public health and states' rights," said Frank O'Donnell, president of Clean Air Watch. "It's a dumb move for an administration that claims it wants peace, because this will lead to an emissions war: progressive states versus a reactionary federal government. The big question: who will the car companies back?"

Some conservatives have long chafed at the rare authority granted California and welcome the effort to revoke.

"Congress didn't intend for California to set national fuel economy standards," said Steve Milloy, a policy adviser for the Heartland Institute, a group critical of climate science. "It's nutty it's been allowed to develop. National fuel economy standards are set by the federal government so that's what we are going to do."

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E&E News

Greens Decry 'Orwellian' New Title for Car-Emissions Rule

<https://www.eenews.net/greenwire/stories/1060090065>

Posted: July 23rd, 2018 By: Maxine Joselow, E&E News reporter

The White House Office of Management and Budget has tweaked the title of EPA's proposed rollback of Obama-era clean car rules, placing a greater emphasis on safety and cost.

The proposal is now titled "The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule" for model years 2021 to 2026, according to the Reginfo.gov online regulations repository.

Previously, it was called "2021-2026 Model Year Corporate Average Fuel Economy Standards and Light-Duty Vehicle Greenhouse Gas Emissions Standards."

The change signals the proposal's impending release. EPA is expected to formally announce it sometime this week, said an agency official (E&E News PM, July 19).

The change also suggests EPA may seek to justify the rollback by arguing it will increase safety on the roads and save consumers money.

With regard to safety, nearly 40,000 people die on the nation's highways each year, according to the National Highway Traffic Safety Administration. EPA may argue that increases in fuel efficiency are often achieved by downsizing and lightweighting, which lead to less safe vehicles.

With regard to cost, a new light-duty vehicle has an average price tag of \$36,270, according to Kelley Blue Book, a California-based automotive research company. EPA may argue increases in fuel efficiency can raise the up-front cost of a new car.

Former EPA Administrator Scott Pruitt previously mentioned cost as a primary concern in his April announcement about revising the standards (Greenwire, April 3).

Paul Billings, senior vice president for advocacy at the American Lung Association, called the new title "Orwellian."

"It's an attempt to create some sort of narrative that cars are unsafe and this is going to make cars more safe, which is absurd," Billings said.

While EPA may claim the Obama-era rules lead to higher costs for consumers, "more fuel-efficient cars pay for that initial investment very quickly, particularly at today's gas prices," he said.

In addition to tweaking the proposal's title, OMB also listed several meetings about the rollback among interested advocates, EPA and the Department of Transportation.

Attendees listed represent both industry and environmental interests, including the Alliance of Automobile Manufacturers, the Manufacturers of Emission Controls Association, Environment America and the National Association of Clean Air Agencies.

EPA didn't respond to a request for comment seeking details on the proposal's release.

Transportation Department spokesman Andy Post said in an email, "We will keep you posted as we get closer." He declined to provide further details.

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Politico

Auto Rule Rollback Could Hinge on Highway Deaths

<https://www.politico.com/newsletters/morning-energy/2018/07/23/auto-rule-rollback-could-hinge-on-highway-deaths-293797>

Posted: July 23rd, 2018 @ 10:00am By: Kelsey Tamborrino

The Transportation Department and EPA are gearing up to release a proposal rolling back Obama-era rules requiring significant gains in car fuel efficiency as soon as this week — and the Trump administration appears ready to argue that less efficient cars are safer for human lives.

Newly posted OMB meeting records show for the first time that the EPA version is called the "Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule." (The rulemaking previously had a more generic name.) Former Administrator Scott Pruitt made it clear in April when he announced plans to roll back EPA's greenhouse gas standards that lowering the up-front costs of new vehicles was a major concern, in part because he said higher prices could motivate consumers to continue driving older, dirtier cars.

But the safety reference in the rule's name is a new and apparently key feature of the rollback. The debate over whether increases in fuel efficiency — which are often driven by downsizing and lightweighting — mean that those vehicles are less safe has been raging for about as long as fuel economy standards have existed. The forthcoming proposal is expected to analyze whether lowering the fuel efficiency targets means fewer traffic fatalities — potentially more than 1,000 of the nearly 40,000 annual highway deaths in the U.S., according to sources familiar with a draft that circulated earlier this year. It is not clear whether the proposal will factor in the costs related to increased air pollution associated with rolling back the standards, but the Trump administration has already been relying on much lower figures to estimate the cost effects of climate change in rolling back other Obama-era rules. Advocates of lower efficiency note that traffic deaths per capita and per miles driven have decreased significantly since fuel economy standards were first created by Congress in the 1970s.

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The Hill

Trump to Propose Blocking California's Clean Car Standards: Report

<http://thehill.com/policy/energy-environment/398372-trump-admin-to-propose-blocking-californias-clean-car-standards>

Posted: July 23rd, 2018 @ 12:38pm By: Timothy Cama

The Trump administration is planning a proposal to block California regulators from enforcing their own emissions standards for vehicles sold in the state.

Bloomberg News reported Monday that the proposal will be part of a regulation the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) will jointly propose in the coming days to freeze or reduce federal greenhouse gas emissions and fuel efficiency rules for cars.

The proposal would set up a battle with California over whether the Clean Air Act allows its decades-long aggressive crackdown on car emissions. The fight is almost certain to go to court if the administration pursues it.

The rules have become part of California's environmental identity, as well as part of its efforts to clean the air in Los Angeles and other heavily polluted areas.

The Obama administration permitted California to set its own greenhouse gas emissions for cars in 2009, giving it a waiver under the Clean Air Act. Numerous other states now follow California's standards.

Under Obama, the EPA and NHTSA decided to negotiate with California so that the country retains one nationwide standard, even though California had the authority to institute its own.

Separately, the Golden State uses its waiver to require car companies to sell a certain amount of electric vehicles in the state. That authority would also be revoked with the Trump administration's action.

The EPA and NHTSA revealed in a regulatory notice Friday that its upcoming proposal to reduce vehicle efficiency and emissions standards will be dubbed the "Safer and Affordable Fuel Efficient Vehicles Rule," indicating that administration officials will likely argue that stricter standards would compromise safety.

Then-EPA head Scott Pruitt formally declared in April that the Obama plan to make emissions and efficiency standards stricter through 2026 is not appropriate. It was the first step toward potentially rolling the standards back.

The agencies are expected in the coming days to float a proposal with a handful of ideas, including various levels of looser rules through 2026 and freezing the standards in 2020 with no additional ramping up.

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WTTW

Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

<https://chicagotonight.wttw.com/2018/07/23/illinois-sues-epa-over-pruitt-s-loophole-super-polluting-trucks>

Illinois Attorney General Lisa Madigan is suing the U.S. Environmental Protection Agency – again.

Last week, Madigan joined her counterparts in more than a dozen states in filing suit against the agency, this time over an order issued by former EPA Administrator Scott Pruitt on his final day in office that suspends a 2016 rule limiting the number of highly polluting trucks on the nation's roads.

Pruitt resigned earlier this month after facing months of pressure over scandals related to his travel spending, security costs, influence from industry lobbyists and other issues.

On July 6, Pruitt's final day in office, the EPA announced that it would not be enforcing its own rule intended to reduce pollution caused by trucks. The rule applies to so-called gliders, which are new, heavy-duty truck bodies outfitted with refurbished or rebuilt engines from before 2010 that produce large quantities of pollution.

The 2016 Glider Rule, as it is known, mandates that most engines installed in gliders meet the same emissions standards applicable to newly manufactured engines, which create significantly less pollution. It also caps the number of gliders a company can manufacture each year at 300.

The rule is meant to limit the excessive amounts of smog and lung-damaging particulate matter emitted by outdated truck engines, which have been described as "super polluting."

"If left unchallenged, this outrageous special interest giveaway will cause widespread harm to the environment," Madigan said in a statement on Friday. "Allowing these highly polluting trucks to circumvent necessary clean air safeguards is unlawful."

Madigan has already taken a number of legal actions against the Trump administration's EPA, including over its regulation of harmful landfill emissions and proposed rollbacks of various air quality standards.

According to Madigan's office and media reports, Pruitt's move will allow the sale of trucks that produce up to 55 times as much air pollution as trucks outfitted with modern emissions systems. Emissions from the highly polluting trucks are linked to asthma, low birth weight, infant mortality and lung cancer, according to Madigan's office.

Several environmental groups have filed a separate lawsuit against the EPA over the same issue. Last week, a circuit court of appeals ruled in favor of the groups, granting an administrative stay that places a temporary hold on Pruitt's order.

Madigan and attorneys general in 14 other states filed their own lawsuit because of the irreparable harm that residents in their states would suffer if the order is allowed to stand, according to Madigan's office.

Environmental regulators in California, Minnesota and Pennsylvania are also part of the coalition suing the EPA.

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Biofuel

Reuters

EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

<https://www.reuters.com/article/us-usa-biofuel-epa/epa-wrongly-denied-biofuel-waiver-for-west-virginia-refinery-court-idUSKBN1KA2G7>

Posted: July 20th, 2018 @ 1:17pm By: Jarrett Renshaw

(Reuters) - The U.S. Environmental Protection Agency must reconsider its denial of small West Virginia refinery Ergon's application for an exemption from U.S. biofuel laws after it relied on an "error-riddled" analysis, an appeals court ruled on Friday.

The EPA relied on a recommendation from the Department of Energy that, among other things, failed to take into account that Ergon produced high levels of diesel that may not easily be blended and sold into the local market, according to the 4th U.S. Circuit Court of Appeals in Maryland.

The decision will likely bolster supporters of the EPA's expansion of the small refinery waiver program under President Donald Trump, many of whom argue that President Barack Obama's EPA had been too stingy with exemptions.

The biofuel industry, meanwhile, has criticized the expansion of the program under Trump, saying it undercuts the U.S. Renewable Fuel Standard (RFS).

The RFS requires refiners to blend biofuels like ethanol into the fuel pool or buy compliance credits from those who do - a measure aimed at helping corn farmers and cutting foreign imports of petroleum. But refineries up to 75,000 barrels per day can seek exemptions from the law each year if they can prove compliance would cause them financial hardship.

Ergon operates a small refinery (23,500 barrels per day) in Newell, West Virginia that produces specialty lube oils and diesel.

"We are pleased to see the 4th Circuit Court ruling which recognizes the significant and disproportionate hardship that RFS places on small refineries," said Ergon-West Virginia Inc President Kris Patrick.

The EPA did not immediately respond to requests for comment.

Former EPA administrator Scott Pruitt, who resigned earlier this month following a slew of ethics controversies, oversaw a surge in small refinery waivers.

The EPA put out data last week that said it granted 48 such waivers for the years 2016 and 2017, representing some 2.25 billion gallons of biofuels.

The EPA is required to consult with the Department of Energy on the applications. Under Pruitt, the EPA consistently ignored recommendations from the Energy Department to reject or limit waivers to oil refiners seeking exemptions from biofuels laws.

The panel of appellate judges ruled that the DOE's analysis was flawed because it did not take into the account the regional market for biodiesel and also separated the plant's lube oil production in part of application and included in other areas.

“Although the EPA is statutorily required to consider the DOE’s recommendation, it may not turn a blind eye to errors and omissions apparent on the face of the report, which Ergon pointed out and the EPA did not address in any meaningful way,” the judges wrote.

In a previous case, the 10th Circuit Court overturned the EPA’s denial of Sinclair Oil’s exemption applications last year, arguing the agency was using too narrow of a test when evaluating the applications. The EPA remedied the reversal by granting Sinclair 2018 compliance credits related to its 2014 and 2015 obligations.

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Clean Up Sites

E&E News

Officials to Test Navajo Wells Leaking for Years

<https://www.eenews.net/energywire/2018/07/23/stories/1060089965>

Posted: July 23rd, 2018 By: Mike Soraghan, E&E News reporter

Federal and tribal officials later this month plan to start testing 48 oil and gas wells on Navajo Nation lands in the Four Corners region that appear to have been leaking for years.

EPA says it will deploy teams with counterparts from the Navajo Nation to sample discharges from the wells, said Margot Perez-Sullivan, a spokeswoman with EPA's Region 9 office.

"This sampling effort will help us determine if there are any constituents of concern and help develop next steps," Perez-Sullivan said.

EPA said the New Mexico Department of Energy, Minerals and Natural Resources alerted the agency to one of the wells, called the Foshay well. State officials were concerned about discharges flowing onto state lands.

The agency then worked with Navajo Nation officials to identify other wells with similar characteristics, Perez-Sullivan said. Attempts to reach Navajo Nation environmental officials were unsuccessful.

Staff of the environmental group Earthworks visited two of the sites, said Bruce Baizel, director of the group's energy program. One was spraying water, and another appeared to be a long-standing oil spill.

Soil samples they took found barium, a primary ingredient in drilling mud, at both sites, according to an analysis done by Wilma Subra, a chemist and technical consultant for environmental groups. High levels of volatile organic compounds were found in one of the two samples.

Records indicate that the issue with the Foshay well began in the 1970s and has continued for decades.

The Foshay well, located near a parking access for the Bureau of Land Management's Bisti/De-Na-Zin Wilderness Area, was drilled in 1971 by the Delaware Apache Corp. as a wildcat well. Interior Department documents in a state online file indicate it was a dry hole. In 1974, it was plugged back by another operator, converted to a water well and turned over to BLM.

In the late 1990s, state inspectors found water flowing from the well into a ditch and onto state lands, according to a 1999 letter from the assistant manager of the BLM district to Navajo Nation officials. He said the "uncontrolled flow" of water was killing native plants and causing salt to accumulate. But the letter also noted that water from the well was an important water source for livestock and some wildlife in the area.

The letter said the well was on Navajo land and asked the nation to develop a plan to control the flow of water. Nothing in the online file indicates what happened with the well after that.

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WTHR

EPA Calls For Sampling Plan For Franklin Industrial Site

<https://www.wthr.com/article/epa-calls-sampling-plan-franklin-industrial-site>

Posted: July 21st, 2018 @ 7:46pm (undated July 23rd, 2018 @ 6:29am) By: Sandra Chapman

FRANKLIN, Ind. (WTHR) – The U.S. EPA is providing more specifics about its request for sampling at the Franklin industrial site where a New Jersey Environmental not-for-profit says it discovered dangerous chemicals seeping into homes.

The information comes after Franklin Mayor, Steve Barnett put out a statement saying the Indiana Department of Environmental Management could not confirm the veracity of the test results released by the Edison Wetlands Association. Barnett's letter also indicated the EPA shared that response.

Last Thursday, just three days after 13 Investigates broke the story about the testing, EPA told WTHR, it was concerned about the results and was "working with Amphenol Corp to conduct additional testing to investigate possible vapor intrusion pathways." The agency is not backing off that stance, and provided more clarification about its course of action by responding to a series of questions from 13 Investigates.

Is EPA concerned that toxins have shown up in testing results and could Amphenol be the source?

EPA Response: "EPA has directed Amphenol to develop a site-wide sampling plan to determine if VOC's (volatile organic compounds) are present in soil, soil vapor or groundwater at the site. EPA will address any issues found as a result of the on-site sampling."

Does EPA take issue with the testing results?

EPA Response: "EPA appreciates the initiative taken by the Edison Wetlands Association. However, as this sampling of homes was not a sampling event undertaken with EPA oversight of sampling and analytical method used, EPA is not able to determine the usability of the data. (Example: Reported Radon sampling results are intended to show that it is possible for vapors to enter homes from the subsurface and not to claim a connection between radon and nearby industrial sites. Radon is naturally occurring in many places) The Edison Wetlands Association has not provided the addresses of the homes that were sampled to the EPA. EPA intends to use data from the upcoming sampling by Amphenol to determine if the Amphenol site is impacting areas outside its site boundaries. EPA will rely on the data from its own work to make decisions about appropriate next steps."

Will EPA mandate that Amphenol Corp conduct more testing?

EPA Response: "EPA under its regulatory authority, is working with the Amphenol Corporation to investigate the potential for a vapor intrusion pathway between the facility and the adjacent residential area. Sampling of soil, soil vapors and groundwater will proceed under EPA oversight. Under EPA oversight, Amphenol will also measure the ambient air around its facility and the VOC emissions from its ground water pump-and-treat system. Based on current information, the treatment system emission levels are very low. (below any level requiring IDEM to require an air permit) Nonetheless, EPA will obtain and analyze refreshed data and will share the results with the community when available."

The agency also told 13 Investigators that a site manager will be in Franklin for the testing and a site inspection in August.

Stacie Davidson co-founder of the group "If It Was Your Child" confirmed names and addresses of the homes sampled were not provided by Edison Wetlands due to privacy agreements with the homeowners who wanted to keep their identifying information confidential.

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Coal Ash

CNN

With EPA Rule Change, Worries Linger For Those Near Coal Ash Ponds

<https://www.cnn.com/2018/07/21/health/epa-coal-ash-reaction/index.html>

Posted: July 21st, 2018 @ 12:39pm By: Nadia Kounang

(CNN) In March 2017, coal mogul Bob Murray came to the Washington headquarters of the US Department of Energy for a meeting with Secretary Rick Perry. Also at the table was Andrew Wheeler, who this month became acting head of the Environmental Protection Agency.

Wheeler had helped organize the meeting as a lobbyist for the firm Faegre Baker Daniels, where Murray Energy was one of four energy clients he represented. The Murray team's agenda that day: a four-page action plan "for achieving reliable and low cost electricity in America and to assist in the survival of our Country's coal industry."

Murray, chief executive of Murray Energy, one of the largest coal companies in the country, was leading a pro-coal campaign on the Trump administration. He had sent a similar plan to Vice President Mike Pence as well as then-EPA head Scott Pruitt.

Details of the plans and emails were discovered in documents obtained through the Freedom of Information Act by E&E news.

The plan had 17 bullet points, including cutting the EPA staff at least in half, because, according to Murray, "Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible."

Murray also suggested withdrawing from the Paris climate accord because it "is an attempt by the rest of the world to obtain funding from our Country."

At the top of Murray's list was managing coal ash, the leftover waste power plants create from burning coal. Coal ash contains heavy metals including arsenic, lead and mercury that can be harmful to your health.

The plan stated that the relevant regulation needed to be rewritten "delegating the authority to the states."

Murray presented drafts of six proposed presidential executive orders, including one aimed at deregulating coal ash. The draft read, "the states should be authorized to develop and enforce their own plans for disposal of coal combustion residuals ... rather than the USEPA."

This week, as one of his first major acts at the EPA, Wheeler signed and finalized new standards overseeing coal ash.

It's a revision of 2015 regulations put into place by the Obama administration after two significant industrial coal ash spills. The regulations now put more authority in the hands of states to regulate their own waste.

Most significantly, under the original version of the regulations, companies had to provide annual groundwater monitoring results. Under the new revisions, if the plant is able to prove that it isn't polluting the aquifer, it is no longer required to monitor. Provisions that previously required assessments from professional engineers were also struck.

The revised rules "provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Critics of the new coal ash rules say they are a gift to industry and a continued burden for those communities near coal ash sites.

"These rules will allow yet more tons of coal ash, containing toxics like arsenic and mercury, to be dumped into unlined leaking pits sitting in groundwater and next to rivers, lakes and drinking water reservoirs," said Frank Holleman, a senior attorney with the Southern Environmental Law Center, referencing the finalized coal ash rules. "These rules also substitute politics for science by allowing action to be taken based on certification by a politically appointed agency director instead of a licensed practicing engineer."

"It is now apparently the goal of EPA to save industry money by allowing them to continue to dump toxic waste into leaking pits, which is exactly what the new rule accomplishes," said Lisa Evans, an attorney with the nonprofit environmental law group Earthjustice.

CNN Chief Medical Correspondent Dr. Sanjay Gupta requested to speak with Wheeler about the impact of his lobbying experience on his new position but was declined.

One of the largest sources of industrial waste

Coal ash is one of the most-generated forms of industrial waste in the country. According to the American Coal Ash Association, about 110 million tons were generated last year.

The association says that about half of all coal ash produced in the United States is recycled into construction materials such as concrete or wallboard.

However, that leaves about 50 million tons of coal ash does not get repurposed, and instead needs to be disposed of every year.

Historically, when coal was burned, plants would send the ash out of smokestacks, creating dark plumes of smoke. Now, scrubbers and filters collect much of the ash. It may not escape into the air anymore, but it does have to go somewhere.

So, power plants often mix the leftover ash with water and sluice it into unlined pits, where the ash settles to the bottom. In some places, these ponds have been dug into the groundwater table -- water that can be pulled up by private drinking wells, or that eventually makes its way into public drinking water sources. Many of these sites also sit along the banks of rivers, lakes and streams, where nothing more than earthen banks separate waste from freshwater.

According to the EPA, there are over 1,000 coal ash disposal sites across the country, many of them constructed in the 1950s and 1960s, well before any sort of regulations.

Holleman said he can't imagine a more precarious way to manage this waste.

"Millions of tons of industrial waste directly on the banks of major drinking water reservoirs that serve hundreds of thousands of people," he said, "that's a recipe for disaster."

Two serious incidents

In the past decade, there have been two major coal ash spills in the United States. In 2008, a break in a dam at the Tennessee Valley Authority's Kingston power plant sent over a billion gallons of coal ash cascading into the Clinch River. The black sludge blanketed over 300 acres, inundating the area around Kingston. The spill destroyed three homes and damaged a dozen others. Scientists found fish contaminated with high levels of arsenic and selenium months after the spill.

In 2014, a corroded pipe at Duke Energy's Dan River steam station in North Carolina sent up to 39,000 tons of coal ash flooding into nearby waters. The black sludge made its way 70 miles downstream. Today, the state still warns against eating some fish from the river because of high mercury levels.

A year after the Dan River spill, the EPA enacted the first set of comprehensive regulations overseeing coal ash. Among the requirements: Coal ash sites were to be monitored for structural integrity, coal-burning utilities had to conduct and publish groundwater monitoring results for the first time, and ponds that were found to be contaminating groundwater in excess of allowable limits, or that were structurally faulty, were to be closed following specific guidelines.

Closing a coal ash pond can involve one of two methods approved by the EPA. The water can be drained out of the pond and a liner put over the top, which is known as "cap in place." The other method involves completely excavating the entire pond and ash, drying the ash, and then moving it into a lined container. Environmentalists prefer the latter method of excavation, saying that it ensures that there is a barrier to protect groundwater, but power companies say that this is a much more costly method involving transport of the ash and additional labor, among other expenses. And those expenses, they say, would be passed on ultimately to customers. Industry argues that if the ponds aren't showing to be leaking, there should be no need to move them.

'Localized' impact

This past March was the EPA's deadline for utilities nationwide to publish the first set of national groundwater monitoring results. The findings were striking, showing contamination at coal ash sites across the country.

"This is a pretty wide phenomena across the country with hundreds of sites, all showing them leaking," said Avner Vengosh, a professor of Earth and ocean sciences at Duke University.

At Indianapolis Power & Light Co.'s Harding Street Station, for example, levels of arsenic in some parts of the plant were found to be more than 40 times higher than federal drinking water standards. In North Carolina, levels of radium were found anywhere from 2.5 times greater to 38 times greater than federal drinking water standards.

In both of these situations, the wells tested are directly at the coal ash sites. Environmentalists worry that these contaminants could eventually leach into nearby groundwater sources.

The Edison Electric Institute, a trade group representing the industry, said in a statement that "Company reports contain initial data, and it is premature to use these results to predict any impacts to drinking water or public safety. These initial data now must be analyzed and assessed further."

Duke Energy spokeswoman Erin Culbert told Gupta that there is no indication from testing or modeling that any of the contamination from Duke Energy's facilities is reaching drinking water.

"The area of impact that you see around the ash basins is really localized between the ash basin and the local river or lake," she said.

Vengosh said that's not a reassurance. "The fact that (the contaminants) have arrived in the aquifer is the key," he said. "Even if they aren't affected now, they can be affected in the future."

When a contaminated well is found, it is simply too late, he said.

Living amid coal ash

The threat of a potential contaminant lingers in many communities neighboring coal ash sites, despite reassurances that industry testing shows that water sources are safe at the moment.

For many people in these communities, coal ash is a bogeyman.

Public health experts say that the elements found in coal ash -- heavy metals like arsenic, lead, and mercury -- can pose serious health risks. According to the EPA, exposure to coal ash waste "can cause severe health and environmental problems in the form of cancer and non-cancer risks in humans, lowered IQ among children, and deformities and reproductive harm in fish and wildlife. Many of these pollutants, once in the environment, remain there for years."

They note that "some minority and low-income communities" are at an even greater risk due to their "close proximity to these discharges and relatively high consumption of fish."

But it's challenging to tease out exactly how much coal ash people have been exposed to, at what levels, and how they were exposed, possibly by inhaling coal ash dust or drinking contaminated water. To complicate it further, the coal ash itself can have different levels of element concentrations depending on where the coal was sourced.

Tracey Brown Edwards remembers growing up next to Duke Energy's Belews Creek Steam Station in Walnut Cove, North Carolina. The plant's coal ash pond sat next to Belews Lake, a recreational lake used for fishing and swimming north of Winston-Salem.

Edwards describes an idyllic childhood in the town of about 1,000 people, a place where kids played outside all day and picked fruit off trees when they were hungry. Growing up, they didn't think much about the plant, but she remembers how soot from the power station was always around: in the air, on plants, on rooftops and on cars. "You could actually write your name in the dust that was set on the vehicles," she said.

Edwards, 44, has had three strokes and a heart attack, which left her temporarily paralyzed on her right side. She can't help but wonder whether Duke Energy had something to do with her health and that of her neighbors.

"There's been a lot of young people with cancer, certain kinds of cancers, brain cancer, stomach cancers, breast cancer," she said. In her small block of five homes, four of the families have been hit by cancer. Her doctors can't say it is related to coal ash, but they also can't rule it out.

Danielle Bailey-Lash, 43, has lived in Walnut Cove since she was 13 and couldn't imagine raising her family anywhere else. When she and her husband married, they settled in a house on the lake. She has fond memories of growing up there, fishing and eating from the lake, and swimming in the water. It was a "dream location; it had everything we needed," she told Gupta.

But in 2009, Bailey-Lash began experiencing headaches that became so severe, she had to go to the hospital the following year. Doctors found a tumor the size of a juice box just above her right ear. She was diagnosed with stage 3 astrocytoma, a form of brain cancer, and her doctors said she just had months to live. She underwent chemotherapy and radiation, and today, she has no trace of cancer. The diagnosis is still a shock to her, she never smoked and had no history of the disease in her family.

Her doctors can't make any conclusions about what contributed to the disease, but when Gupta asked what she thought, she answered confidently: "I'm 100% sure I know what caused it: Duke Energy."

While an EPA draft report found that people who lived within a mile of a coal ash pond had an increased risk of cancer from drinking arsenic-contaminated water, there are very few studies that explore the direct relationship between coal ash and cancer. A North Carolina state assessment of cancer incidences by county didn't find a higher incidence of cancer in counties with coal ash sites.

But, critics say the analysis didn't narrow down to neighborhood levels.

Trying to find answers

Drilling down on those kind of numbers and connections is a challenge.

"For epidemiology, it's very difficult to address coal ash questions because of the scattered nature of coal ash," said Mary Fox, co-director of the Risk Sciences and Public Policy Institute at Johns Hopkins.

Cancers in particular are difficult to pin down. Nationally, the rate of cancer in adults is quite high: According to the American Cancer Association, one in three adults will be diagnosed with any type of cancer in their lifetime. On top of that, the disease has a latency period up to 30 years or more, which could mean a host of factors could contribute to potential exposures. And children are particularly vulnerable, simply because they have smaller systems to process the exposure.

Lisa Bradley, a toxicologist who serves on the board of the American Coal Ash Association, an industry group with members that work for various coal ash producers, said that the EPA's measurements for risk are extremely conservative, looking at cancer risk rates calculated at between 1 in 10,000 and 1 in 1 million chances.

None of that brings relief to Andree Davis, who lives next door to the Belews Creek plant. The soil on her property was tested by the University of North Carolina's Superfund Research program and found to have levels of arsenic above EPA thresholds. She said she began breaking out in lesions and sores from showering at home and has resorted to bathing at friends' homes and a local hotel.

She hasn't seen a doctor about the sores because she's concerned about the cost.

Davis wants to move, but she asks angrily, who would buy her house? "Nobody wants to buy it, because everybody's aware of our situation with the coal ash contamination," she said.

Culbert said that Duke has been a conscientious neighbor and has been monitoring groundwater impacts for the past decade.

"We do know from monitoring data that we started taking about a decade ago that there are localized groundwater impacts immediately near the ash basins. So while they have some groundwater impacts near them, we know from this network of monitoring wells that it's not impacting neighbors offsite in terms of their private drinking wells and their water supplies that their families rely on."

Duke Energy is also offering to compensate those neighbors who live within half-mile of the plant and can prove that they sold their homes for less than market value because of their proximity to the plant; Duke promises to bring them up to "fair market value," a similar home in a neighboring area that is outside of the half mile radius. Those sellers have to sign a waiver stating that they will ask for no further compensation and prevents the owners from suing for any health claims related to the groundwater.

Industry interests

Industry has been actively trying to revise the standards since President Trump came into office. Aside from efforts from Murray Energy, the Utility Solids Waste Activities Group, an industry organization representing more than 110 utility groups, sent a petition to the agency, challenging the 2015 regulations on coal ash containment. It called the regulations too rigorous and costly.

According to the letter, the rule resulted "in significant economic and operational impacts to coal-fired power generation," claiming that it was such a burden that "the economic viability of coal-fired power plants is jeopardized."

When the EPA announced the initial set of rule changes this week, the EPA highlighted the \$30 million in annual cost savings.

"Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs," Wheeler said in a statement.

"This action provides the regulatory certainty needed to make investment decisions to ensure compliance and the continued protection of health and the environment," said Jim Roewer, executive director of the Utility Solids Waste Activities Group.

In the announcement this week, the EPA said it expects to make more revisions to the original 2015 coal ash regulations in the coming year.

How much is a savings of \$30 million? Duke Energy alone made more than \$3 billion in profit last year.

Industry trade groups such as the Utility Solids Waste Activities Group argue that empowering states isn't a rollback but rather a way to better tailor to the needs of each site. "We believe [states] are in a better spot to look at local issues. The folks at the state regulatory agencies have a much better feel for the issues at hand," Roewer said.

Richard Kinch, a member of the National Ash Management Advisory Board, an independent body that advises Duke Energy, and one of the primary authors of the original 2015 regulations, agreed that the states are in a better position to regulate the waste. It's the approach the EPA has traditionally taken with waste management, he said.

But Kinch, who worked on the agency's coal ash issues during his 41-year career at the EPA, noted that leaning on states also requires trust. "Maybe there are people that don't feel they trust states and that states will be inappropriate in their actions," he said.

And that's precisely what the Southern Environmental Law Center's Holleman is concerned about. He said that until the 2015 regulations were enacted, coal ash waste was in the hands of the states -- and that record is far from sterling. "It's just really putting us back to where we were when the Kingston Coal Ash facilities spilled open into the Clinch River in Tennessee," he said.

"When you boil all these changes down, what they do is relieve the utilities one way or another from the obligation of having to clean up these sites based on the groundwater contamination that has been proven at them across the country."

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Energy News

Georgia next in line for EPA approval on state coal ash permit program

<https://energynews.us/2018/07/23/southeast/georgia-next-in-line-for-epa-approval-on-state-coal-ash-permit-program/>

Posted: July 23rd, 2018 By: Gillian Neimark

Environmental groups say the rush to let states regulate coal ash has lacked transparency or public input.

Georgia hopes to follow Oklahoma and become the second state to win federal approval to regulate coal ash disposal on its own.

"We're working very diligently with the EPA to get a state-run program in Georgia," says Jeff Cown, chief of the Land Protection Branch for the Georgia Environmental Protection Division.

The U.S. Environmental Protection Agency has regulated coal ash disposal since October 2015, following a devastating 2014 spill that sent 39,000 tons of toxic ash into the Dan River in North Carolina.

Last summer the agency announced it was open to delegating that authority back to states, and Oklahoma last month became the first to win approval under that program to manage coal ash at the state level.

Scott Pruitt, the former Oklahoma attorney general who resigned last month as EPA administrator, said at the time that the decision “places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state.”

Coal-fired power plants produce 110 million tons of coal combustion residuals (CCR) a year. Georgia generates 6.1 million tons annually, and since 2015 it has also accepted nearly 7 million tons in total of coal ash from other states. Depending on where the coal is mined, it can contain a host of heavy metals including arsenic, lead and mercury that can leak into water supplies.

Cown said Georgia residents won’t need to worry about that risk if the state’s application is accepted. “Our regulations will be equal to or even more protective than the federal EPA rules, which currently run over 500 pages.”

But environmental groups say it’s too soon to know what impact a shift to state regulation would have because of a lack of transparency and time for public comment in the application process.

“Delegated programs are very common under the EPA,” said Lisa Evans, an attorney specializing in hazardous waste law at Earthjustice, a nonprofit environmental law organization. “But I don’t know of another major delegated program that doesn’t take steps to guarantee a meaningful public role in establishing regulations.”

Evans said there are ground rules on what an application should look like, how to post that application and what the public participation rules will be. “The EPA skipped those steps with coal ash. They were in such a hurry under (former EPA Administrator Scott) Pruitt to approve state programs.”

In order to view Georgia’s application, which was submitted in April 2018, EarthJustice had to file a Freedom of Information Act request. The group only received access to the 387-page document this month.

“This will take many weeks to review,” Evans said. “The application process for state coal ash programs is being conducted behind closed doors. These materials should have been made available for the public to review in a timely manner.”

An EPA guidance document in August 2017 outlined six provisions that would allow states or EPA the ability to incorporate “flexibilities” into their coal ash permit programs. These kinds of documents alert the public to how a rule might be implemented or enforced.

“These flexibilities had often been loopholes meant for municipal solid waste landfills,” said Frank Holleman, senior attorney at the Southern Environmental Law Center. “They involved mostly household waste, not industrial waste.”

Citizens and environmental groups were given 30 days to comment on the guidance document, Evans said. “We asked for 60 days and they agreed,” she said, “but on the 29th day, as I was leaving the office, I got a call that they had rescinded the extra time and I had until midnight.”

Earthjustice and other advocacy groups protested and took the full 60 days anyway, she said. The EPA later agreed to include the comments.

State regulation of coal ash, like that approved for Oklahoma, marks the EPA's continuing shift toward more state responsibility and less federal oversight of coal ash, overhauling the Obama administration's 2015 rules.

Meanwhile, the agency is revising the 2015 federal rules, finalizing the first phase of changes last week. The revisions allow states to suspend groundwater monitoring in some cases. They also allow state officials rather than professional engineers to offer technical certifications, and to delay compliance dates for the closure of leaking coal ash ponds and ponds within five feet of groundwater.

If Georgia and other states are approved to regulate coal residuals, Holleman said, it may be more difficult to enforce regulations. Under the current law, coal ash is not defined as hazardous waste, but citizens and environmental groups can sue utilities in order to require them to comply with regulations.

"Right now, a citizen can file a notice of intent to bring a lawsuit. There is a 60-day waiting period. If the utility does not act within 60 days to enforce the regulations, then the citizen can file an enforcement action in the district court," he said.

Once a state agency is in control, Holleman said, the process will be more onerous and costly. If state agencies write an inadequate permit that does not contain protections, citizens will have to contest it through a state administrative law proceeding. "They will have to do that before they even start trying to enforce the law against the utility," Holleman explains, "and there may be years of free pollution and violations."

At Oklahoma public meetings in 2016, Department of Environmental Quality official Jeffrey Shepherd noted that the department "has been told by industry that complying with the state rules may offer some protection from citizen suits."

Under current federal regulations, permits for coal combustion residuals have no expiration dates, and Evans worries states won't regularly review permits.

"All coal ash ponds and landfills leak hazardous chemicals," she said. "Thus Georgia, and every state, must regularly re-examine coal ash disposal permits to determine whether dump sites are being operated in a safe, protective and responsible manner."

Cown said the state would have authority to revoke a permit if a utility is noncompliant. "Rule making is always a balance between protection and cost, and we believe we've offered a balanced rule."

With former coal lobbyist Andrew Wheeler heading the EPA, advocates expect state applications to continue to be approved. Texas has also applied to regulate coal ash, and Evans expects other coal-reliant states to follow suit.

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Times

EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

<http://www.timesonline.com/news/20180721/epa-rollback-of-coal-ash-regulations-could-significantly-impact-little-blue-run>

Posted: July 21st, 2018 @ 4:00am (updated July 21st, 2018 @ 9:29pm) By: Jared Stonesifer

The Environmental Protection Agency on Wednesday enacted sweeping rollbacks on environmental regulations for coal ash impoundments, a decision that could have significant ramifications for the Little Blue facility in western Beaver County.

Wednesday's decision revises rules implemented in 2015 under former President Barack Obama's administration. Put simply, the revisions will put more power back into the hands of state governments and the energy industry when it comes to regulating coal ash waste sites.

Energy industry officials and lobbyists had been petitioning the EPA to change the rules since President Donald Trump came into office.

In a news release, Acting EPA Administrator Andrew Wheeler said the revisions will provide more "flexibility" for states and utilities, and could save those entities upward of \$31 million annually in "regulatory costs."

"These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Specifically, the revisions would allow states to suspend mandatory groundwater monitoring at coal ash sites, if it's been proven there are no leaks or contaminants present.

Another revision allows for the extension of deadlines for power companies to close and clean-up coal ash sites, while another would give power to state officials to determine compliance issues instead of professionally-licensed engineers.

Jennifer Young, a spokeswoman for FirstEnergy Corp., said company officials are still digesting the implications for the new rules. FirstEnergy owns Little Blue, as it does the Bruce Mansfield coal-fired power plant that, for decades, has disposed of its coal waste at the site in Greene Township.

Little Blue, which straddles the border between Beaver County and West Virginia, is a 900-acre site that opened in the 1970s. The state Department of Environmental Protection ordered the facility closed at the end of 2016, though remediation and closure activities at the site won't cease until 2029.

In the years leading up to Little Blue's closure, it handled about 2.5 million tons of coal ash annually. Because of Little Blue's closure, FirstEnergy now ships its coal ash via barge to a site in Moundsville, W.Va.

On Thursday, Young said the company's first impression of the revisions is a positive one.

"We think the revised groundwater constituent screening levels are more reasonable for assessing the quality of groundwater beneath our sites," she said. "In addition, adjusting some closure deadlines to align with potential changes to the Effluent Limitations Guidelines Rule will help with planning and budgeting for effective compliance measures."

Young added that company officials will continue to review the revisions to determine any further impacts on Little Blue.

While Wednesday's decision was largely praised by industry officials, it has been derided by a bevy of environmental advocacy groups.

Lisa Hallowell, a senior attorney with the Environmental Integrity Project, in a news release attacked the Trump administration for its environmental rollbacks.

"This indefensible gutting of our nation's first-ever coal ash pollution control rule cements the shameful environmental legacy of the Trump administration," she said. "Today's action opens the door for weakened monitoring and cleanup standards, which means — in no uncertain terms — that the public and the environment on which we all depend will be in harm's way."

In addition, a deputy legislative director for the Sierra Club said her organization will not allow the administration to give "carte blanche to well-funded polluters that threaten the water of thousands of communities across our country with their toxic coal ash."

"We'll use every means we have to beat back this latest attempt to weaken basic clean water protections for working families, farmers, and outdoor businesses — whose lives and livelihoods are being threatened by coal ash every day," Dalal Aboulhosn said. "Our work will not be completed until every coal ash pit is properly secured and every local resident has access to an online monitor that confirms it."

The EPA said Wednesday that the new regulations will be effective in 30 days. The agency also said it intends to propose additional changes to the 2015 rule later this year.

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EPA Spending Bill

Water Finance and Management

House Approves EPA Spending Bill

<https://waterfm.com/house-approves-epa-spending-bill/>

Posted: July 23rd, 2018 By: WFM Staff

The House of Representatives has approved FY19 appropriations legislation that would provide funding for the U.S. Environmental Protection Agency (EPA) next year. The bill as approved by the House would facilitate billions of dollars' worth of low-cost water infrastructure loans.

The bill, an Interior and Environment Appropriations bill, contains a total of \$35.3 billion in funding for programs that protect and make the best use of domestic natural resources, that provide investments in infrastructure such as improvements for drinking water systems, and that help protect against and fight devastating wildfires. The bill also makes strides to rein in harmful regulations at the Environmental Protection Agency (EPA).

The appropriations legislation would deliver just over \$8 billion to EPA, a figure that includes \$1.013 billion for the Drinking Water State Revolving Fund (SRF) and \$1.543 billion for the Clean Water SRF. While the amounts provided for each SRF are \$150 million below each program's FY18 funding levels, they would still represent appropriations well above what each program has typically received in recent years. The legislation includes a provision that would continue

to apply “Buy America” restrictions for iron and steel products used on projects funded in whole or in part with SRF funds.

The bill also includes a total of \$77 million for EPA’s Water Infrastructure Finance and Innovation Act (WIFIA) program, which provides low-cost financing for large-scale drinking water and wastewater infrastructure projects. The bill’s WIFIA funding includes \$67 million that could be leveraged into more than \$8 billion worth of loans to communities, plus an additional \$10 million to help EPA administer the program. Lawmakers had originally written the bill to give EPA \$8 billion in administrative funds for WIFIA, but an amendment adopted on the House floor boosted that sum by \$2 million.

“These bills fund vital programs across the federal government, including those that make Americans safer, protect our nation’s resources, and create jobs, especially in America’s small businesses. The package targets resources to programs that will help boost economic growth and opportunity, protect consumers and investors, promote an efficient federal court system, and help stop financial crime,” House Appropriations Committee Chairman Rodney Frelinghuysen said.

Other amendments adopted on the House floor would direct funding to EPA to carry out the next Clean Watersheds Needs Survey and provide an additional \$10 million to support an EPA grant program aimed at helping communities replace lead service lines.

According to the Association of Metropolitan Water Agencies (AMWA), the Senate could begin consideration of its own FY19 EPA funding bill as soon as this week. That bill, as approved by the Senate Appropriations Committee, would provide slightly higher SRF funding than the House-passed measure, but slightly less WIFIA funding.

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Ozone

Tri-City Herald

Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

<https://www.tri-cityherald.com/news/local/article215281375.html>

Posted: July 21st, 2018 @ 12:21pm (updated July 21st, 2018 @ 12:36pm) By: Annette Cary

KENNEWICK, WA - Sunday may not be the best day to mow your lawn.

If you were thinking of making a coffee run, take the time to go inside to order rather than idling in the drive-through.

And you might want to wait until this evening to gas up your car for the coming work week.

Taking extra precautions when unhealthy ozone levels are forecast for the Tri-Cities may be the new normal.

The Washington State Department of Ecology has its eye on a forecast for hot weather and a light breeze from the north that may increase ozone generation and trap it along the Horse Heaven Hills as it builds up Sunday through Monday and possibly Tuesday.

Smoke from wildfires also has been linked to spikes in Tri-City ozone levels.

Ozone in the Earth’s upper atmosphere is good, shielding people from harmful ultraviolet radiation.

But high levels near the ground are a health hazard. Ozone can aggravate asthma, inflame and scar lung tissue, and make people more susceptible to bronchitis and pneumonia.

Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

After finding unhealthy ozone levels in the Tri-Cities air in 2015 that were nearly as high as those downwind of Seattle, the Department of Ecology launched a study with support from the Benton Clean Air Agency.

The average for 2015 through 2017 exceeded the federal regulatory limit for ozone, which could trigger sanctions from the U.S. Environmental Protection Agency.

The sanctions likely would hit the local economy. They could make getting air quality permits more difficult for new or expanding businesses, or require them to invest in projects that would offset their contribution to the ozone problem.

Representatives of Tri-City-area government agencies, the Department of Ecology, the Benton Clean Air Agency and Ben Franklin Transit met Thursday to start hashing out a strategy.

The consensus was the community needs to be proactive, said Ranil Dhammapala, atmospheric scientist for Ecology's Air Quality Program.

The expectation is that EPA should look favorably on the Tri-Cities if it is already taking steps to reduce ozone, he said.

Local agencies will move ahead with two working groups to develop strategies to promote reducing ozone. One will focus on transportation and the other on industry and growth.

The Environmental Protection Agency recommends waiting until evening to use gas-powered lawnmowers on days when ozone levels are expected to be high. Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

Ozone is created when nitrogen oxide and volatile organic compounds mix and then bake in sunlight on hot days.

In the Tri-Cities light breezes from the north carry pollutants in the air until they dam up against the Horse Heaven Hills, trapping the pollution and baking them in the heat to create ozone.

The chemicals that create ozone can come from the exhaust of motor vehicles and gasoline vapors. They also can come from industrial facilities.

Avoid excess idling of cars, particularly on days where high ozone levels are expected, recommends the Environmental Protection Agency.

The Tri-Cities is technically out of compliance with federal regulations now, but it won't be legally noncompliant until the EPA next reconsiders its designation for the area.

If EPA follows the schedule it historically uses, it will reconsider whether the Tri-Cities is in compliance with ozone levels in 2022.

Because federal standards are based on an average of the highest ozone days each year, reducing activities that can lead to ozone production on days when ozone levels are expected to be high can help the Tri-Cities' standing with the EPA.

The EPA recommends avoiding excessive idling of cars, postponing car trips and deferring lawn work that uses gasoline-powered equipment until evening. Cars should be refueled in the evening when it is cooler because gasoline fumes escape when a car is filled.

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Wastewater

Kallanish Energy

EPA, New Mexico to Look at Drilling Wastewater Re-use

<http://www.kallanishenergy.com/2018/07/23/epa-new-mexico-to-look-at-drilling-wastewater-re-use/>

Posted: July 23rd, 2018

The U.S. Environmental Protection Agency has entered into an agreement with the state of New Mexico to clarify existing regulatory and permitting rules related to the way wastewater from oil and natural gas drilling can be re-used, recycled and renewed for other purposes, Kallanish Energy reports.

Under the new Memorandum of Understanding, a workgroup will be convened to develop a white paper that synthesizes existing regulatory framework under federal and state law in New Mexico and identifies potential opportunities for treated produced water for beneficial use.

The goal through the federal-state partnership is to create new opportunities to provide safe water to water-scarce communities, officials said.

"While underground injection certainly has its utility and place, alternatives are available that treat wastewater from oil and natural gas extraction for re-introduction into the hydrologic cycle which is especially important in arid areas suffering from drought like New Mexico," said EPA spokesman David P. Ross, in a statement.

New Mexico is the third-largest oil-producing state in the U.S. In 2017, it produced a record 470,000 barrels of crude oil per day from the Permian Basin and other locations.

In 2017, New Mexico produced about 900 million barrels of wastewater, most of which was disposed of in underground injection wells, permanently removing it from the hydrological cycle.

"New Mexico is currently the third largest oil producer in the United States and that oil is accompanied by even larger quantities of water. Clarifying the state and federal regulatory frameworks associated with its recycling and reuse is of the utmost importance," said New Mexico's Energy, Minerals and Natural Resources cabinet secretary Ken McQueen, in a statement.

"Reuse of this water in appropriate applications has the potential to relieve the growing demand on our ground and surface water sources. For that reason alone, this effort makes absolute sense," said New Mexico State Engineer Tom Blaine.

For more information, go to www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management.

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